

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

Monday, February 25, 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 P.M. Regular Session

1. **Opening of Regular Session** - Pledge of Allegiance (5 min)
2. **Agenda Adjustments** (5 min)
3. **Announcements** (5 min)
 - 1) "In Touch with Durham County," the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon on Mondays; and 8:30 a.m., 12 noon and 6:30 pm on Tuesday–Sundays. 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.
 - 2) 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 for more information. Please note that all City and County taxes must be current at the time of application.
 - 3) The Grand Opening and Special Dedication Ceremony for the new Durham County Courthouse will be held on Sunday, March 10 from 2pm -4pm. The Courthouse is located at 510 South Dillard Street. We will hold a formal ceremony beginning at 3pm and provide tours of the new facility. Please join us for this special event!
4. **Minutes** (5 min)
 - a. February 11, 2013 Regular Session

5. Recognition of Public Health Director Gayle Harris – 2013 Ham Stevens Award (5 min)

- 1) The Board is requested to recognize Public Health Director Gayle B. Harris on her selection as the recipient of the North Carolina Association of Local Health Directors' (NCALHD) prestigious Ham Stevens Award.
- 2) Harris received the award during the NCALHD awards luncheon on January 23, held in conjunction with the State Health Director's meeting at the Raleigh Marriott Crabtree Valley.
- 3) Harris was recognized for her leadership within NCALHD and her 40 years of service to the Durham community as a nurse, community volunteer, civic leader and the county public health director.
- 4) The award, which is NCALHD's highest honor, is named for Ham Stevens, M.D., a former health director who served Buncombe and Duplin counties, as well as NCALHD's first president. The award is given to individuals who exemplify the qualities of the former health director and friend of public health. Stevens was largely responsible for bringing administrative health directors and medical health directors together to form the NCALHD.

Resource Persons: Marqueta Welton, Deputy County Manager

County Manager's Recommendation: The County Manager recommends that the Board recognize Public Health Director Gayle B. Harris for this outstanding achievement. Her personal and professional dedication to serving the residents of Durham County is truly a stellar example of leadership and public service in action within the ranks of Durham County Government.

6. Consent Agenda (15 min)

- a. Approve the Resolution authorizing the multi-year lease agreement between the Durham Public Schools Board of Education and Synovia Solutions, LLC, for GPS units and related hardware, software and services.;
- b. Accept the property tax release and refund report for January, 2013 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- c. Approve the attached contract amendment to the City/County agreement with Global Spectrum for management of the Durham Convention Center;
- d. Approve the Tax Administrator's request to begin advertising the 2012 tax liens in the month of March;

- e. Appoint a special Board of Equalization and Review, designate membership to this Board, appoint George Scott as Chair and Stephanie Gaither-Harris as Vice Chair; and approve compensation at a rate for 2013 at \$100.00 (Chairman) and \$85.00 (Member) and \$25.00 per hour for any hour over the three hour session;
- f. ITEM REMOVED;
- g. Amend the contract with County Tax Services, Inc. for property value discoveries and approve Budget Ordinance Amendment No. 13BCC000060 in the amount of \$125,000. Payment is made to CTSI only after the County has collected the tax, at a rate of 30% of the amount collected. There is no additional cost to the County whereas this fee is deducted from new revenue collected;
- h. Authorize the proposed amendments to Chapter 24 Article III of the Durham County Code of Ordinances related to Parking;
- i. Approve a proposed collaboration with the Environmental Protection Agency (EPA) and Durham County Library.

7. Advance Public Comments on the FY 2013-2014 Budget (30 min)

- 1) The Board is requested to hold an Advance Public Comment session to receive public comments for the FY 2013-2014 Budget. As county staff begins the preparation of the fiscal year 2013-2014 budget, public input is being solicited on issues which may need to be addressed during the budget process.
- 2) The County Manager's Recommended FY 2013-2014 Budget will be presented to the Board of Commissioners on Tuesday, May 28, 2013, with individual budget work sessions with the Board to be scheduled for the period May 29-June 12, 2013. Final adoption of the FY 2013-2014 Budget Ordinance is scheduled for Monday, June 24, 2013.
- 3) Additionally, comments can also be e-mailed to commissioners@dconc.gov.

Resource Persons: Pam Meyer, Director of Budget and Management Services

County Manager's Recommendation: The County Manager recommends that the Board hold the Advance Public Comment session on the Fiscal Year 2013-2014 Budget.

8. Public Hearing - Unified Development Ordinance Text Amendment, Temporary Uses: School Modular Classrooms (TC1200009) (10 min)

- 1) The Board is requested to conduct a public hearing and receive public comments on the Unified Development Ordinance Text Amendment, Temporary Uses: School Modular Classrooms (TC1200009); and
- 2) To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 5, Use Regulations.

- 3) Attachments: **Attachment A:** An Ordinance to Amend the Unified Development Ordinance Regarding Temporary Modular School Classroom Units (TC1200009), Mark- up Version
Attachment B: An Ordinance to Amend the Unified Development Ordinance Regarding Temporary Modular School Classroom Units (TC1200009), Clean Version
Attachment C: Planning Commission Comments

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.

9. Public Hearing - Urban Growth Area (A1200010) (30 min)

- 1) The Board is requested to hold a public hearing and receive public comments on plan amendment case A1200010, Urban Growth Area; and
- 2) To approve the changes to the policies and maps of the Durham Comprehensive Plan as shown in the attached document.

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

County Manager's Recommendation: The County Manager recommends that the Board conduct a public hearing on the proposed amendment to the policies and maps of the Durham Comprehensive Plan and, if appropriate based on the comments received during the hearing, approve the changes.

10. Public Hearing - Unified Development Ordinance Text Amendment, Urban Growth Area (TC1200010) (10 min)

- 1) The Board is requested to conduct a public hearing and receive public comments on the Unified Development Ordinance Text Amendment, Urban Growth Area (TC1200010); and
- 2) To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 4, Zoning Districts; and Article 16, Definitions.
- 3) Attachments: **Attachment A:** An Ordinance To Amend the Unified Development Ordinance Regarding References to an Urban Growth Area (TC1200010), Mark-up Version

Attachment B: An Ordinance To Amend the Unified Development Ordinance Regarding References to an Urban Growth Area (TC1200010), Clean Version

Attachment C: Planning Commission Comments

Resource Persons: Steven L. Medlin, AICP, 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. Public Hearing - Unified Development Ordinance Text Amendment, Family Care and Group Homes (TC1200011) (20 min)

- 1) The Board is requested to conduct a public hearing and receive public comments on the Unified Development Ordinance Text Amendment, Family Care and Group Homes (TC1200011); and
- 2) To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 5, Use Regulations.
- 3) **Attachment A:** An Ordinance To Amend the Unified Development Ordinance Regarding Family Care and Group Homes (TC1200011), Mark-up Version

Attachment B: An Ordinance To Amend the Unified Development Ordinance Regarding Family Care and Group Homes (TC1200011), Clean Version

Attachment C: Planning Commission Comments

Attachment D: N.C.G.S. § 168-22

Attachment E: Regulation of Group Homes in Durham County Memorandum, August 30, 2012, Durham County Attorney's Office

Resource Persons: Steven L. Medlin, AICP, 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.

12. Board Appointments (10 min)

- 1) Michelle Parker-Evans, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards and commissions:
 - a. Adult Care Home Community Advisory Committee
 - b. City-County Appearance Commission
 - c. Community Child Protection Team/Child Fatality Prevention Team
 - d. Emergency Medical Services Council

e. Open Space and Trails Commission

Resource Person(s): Michelle Parker-Evans, Clerk to the Board

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners vote to appoint a member to the above-mentioned boards/commissions.

13. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA (10 min)

14. Closed Session (30 min)

- 1) The Board is requested to adjourn into closed session pursuant to G.S. 143-318.11(a)(5) to instruct staff on the position to be taken concerning the acquisition of real property for open space at 1003 Santee Road owned by Capital Bank N.A.
- 2) The Board of Commissioners is 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).

County Manager's Recommendation: The County Manager recommends that the Board adjourn to Closed Session and direct staff as appropriate.