

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

Monday, April 22, 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 Durham County Department of Social Services' office hours will be changing. Effective June 24, 2013 the agency's operating hours to the public will be 7:30 am - 5:30 pm;
 - 4) The new Durham Diabetes Coalition television show, "Living Healthy" is currently airing nightly at 7:00 pm on Durham Government Television, Time Warner Cable

Channel 8. The 30-minute program features segments on topics such as nutrition, physical activity, local resources, diabetes information, and personal stories of Durham residents living with type 2 diabetes. The purpose of the show is to give residents tips and tools to live a healthy lifestyle and help people manage their diabetes successfully;

- 5) On Tuesday, April 23, the Durham County Coordinated Transportation Program is hosting a public workshop to identify the transportation needs of individuals with disabilities, older adults, and people with low incomes based on personal and professional experiences, and to provide strategies for meeting the local needs. The workshop will take place at the Durham County Cooperative Extension office, 721 Foster Street from 8:30am -11:30am. For more information, contact Margaret Scully at Durham County Cooperative Extension at mmscully@dconc.gov or (919) 560-8757.

4. Minutes (5 min)

- a. April 8, 2013 Regular Session
- b. February 25, 2013 Regular Session

5. Recognition of General Services Solid Waste for Receiving the Carolina Recycling Association's Spotlight Award (5 min)

- 1) The Board is requested to recognize the Department of General Services and the Solid Waste Division for receiving the Carolina Recycling Association's (CRA) Spotlight Award for the Recycling Ambassador Volunteer Program.
- 2) With assistance from a grant provided by the NC Division of Environmental Outreach and Assistance, Durham County Solid Waste partnered with local Durham County Ruritan Clubs to implement the Recycling Ambassadors program in 2012.
- 3) The program is based on a model of peer-to-peer education. Recycling Ambassadors attend a two hour training to learn about waste reduction programs available to County residents, and then share that information with the members of their Ruritan Club. Each Ruritan Club that has a trained Recycling Ambassador also receives recycling bins and a litter clean up kit (provided by Keep Durham Beautiful) that can be checked out by community groups in their area.
- 4) The Award was presented on April 11 during the CRA's annual conference.

Resource Persons: Margaret Koroivui, Waste Reduction Supervisor; Brian Haynesworth, Waste Reduction Program Manager; Motiryo Keambiroiro, Director

County Manager's Recommendation: The County Manager recommends that the Board recognize the Department of General Services and the Solid Waste Division for receiving the Carolina Recycling Association's Spotlight Award.

6. Recognition of Retiring President of Downtown Durham, Inc. Bill Kalkhof (5 min)

- 1) For the past 20 years, Bill Kalkhof has served as the first President of Downtown Durham Inc. With his dynamic leadership, Downtown Durham is now thriving, and the numbers

speak for themselves. Between 1993 and 2012, Downtown Durham has seen the following growth:

- 3,800 to 15,000 Employees
 - 112 to 900+ Residential Units
 - 1.1 Million to over 2.3 Million Annual Visitors
 - Less than 1 Million SF of commercial office space at 70% occupancy, to nearly 3 Million SF of office space at 93% occupancy
 - Total investment of well over 1.3 Billion dollars!
- 2) He is credited with leading Downtown Durham's revitalization, including the Durham Bull's Athletic Park, the American Tobacco renovation, the West Village complex, the Downtown Streetscape renovation, and the Durham Performing Arts Center.
 - 3) Following 20 years of tireless advocacy for Downtown Durham, Bill will be retiring on April 30th. The Chairman of the Board is asked to proclaim the last week of April 2013 as "Bill Kalkhof Week" in recognition of his service to the Durham community.

Resource Persons: Chairman Fred Foster, Jr.

County Manager's Recommendation: The County Manager recommends that the Board of Commissioners extend sincere congratulations to Mr. Bill Kalkhof and wish him well as he commences his well-earned retirement at the end of April.

7. Proclamation - May 6-12 as Children's Mental Health Awareness Week (5 min)

- 1) The Board is requested to approve the proclamation of May 6-12 as Children's Mental Health Awareness Week, as designated by the National Federation of Families for Children's Mental Health.
- 2) This week is dedicated to increasing public awareness about the triumphs and challenges in children's mental health and emphasizing the importance of family and youth involvement in the children's mental health movement. In Durham County, Alliance Behavioral Healthcare seeks to join national efforts to promote positive mental health, well-being and social development for all children and youth by the observance of Children's Mental Health Awareness Week.

Resource Persons: Ellen Holliman, Chief Executive Officer, Alliance Behavioral Healthcare; and Teka Dempson, Lead Family Partner Coordinator

County Manager's Recommendation: The Manager recommends that the Board proclaim May 6-12 as Children's Mental Health Awareness Week in Durham County and approve the Proclamation.

8. 2013 Strategic Plan Progress Report (30 min)

- 1) The Board is requested to hear a presentation highlighting key achievements of the Durham County Strategic Plan to date. Since plan adoption in February 2012, County employees have organized goal-based "standing" teams and project-based "ad-hoc" teams to begin implementing the Strategic Plan. Teams have harnessed support from the

private sector and nonprofits. The Strategic Plan also has led to the creation of six “joint initiatives,” which are partnerships with the City of Durham and Durham Public Schools.

- 2) All Strategic Plan initiatives align with one of five goals: Community and Family Prosperity and Enrichment; Health and Well-being for All; Safe and Secure Community; Environmental Stewardship; and Accountable, Efficient and Visionary Government.
- 3) Some key Strategic Plan achievements to date include: the Whitted School redevelopment project; crisis-intervention training to handle mental health issues; community and staff training in CPR and the use of automated external defibrillators; an environmental restoration project at Sandy Creek; and “Mystery Shopping,” in which volunteers pose as customers in County offices in order to rate quality of service. Tonight’s presentation is a celebration of the hard work of County employees and community stakeholders over the last year.

Resource Persons: Michael Davis, Strategic Initiative Manager

County Manager’s Recommendation: The County Manager recommends that the Board hears the presentation on key achievements of the Durham County Strategic Plan.

9. Consent Agenda (15 min)

- a. Accept the property tax release and refund report for February, 2013 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- b. Accept the property tax release and refund report for March, 2013 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- c. Receive the Durham Environmental Affairs Board 2012 Report;
- d. Receive the 2012 Historic Preservation Commission’s Annual Report;
- e. Receive the 2012 Design District Review Team Annual Report;
- f. Receive and accept the City-County Planning Commission Annual Report for 2012;
- g. Receive the 2012 Durham City-County Appearance Commission Annual Report;
- h. Receive and accept the Board of Adjustment Annual Report for 2012;
- i. Receive the Durham Open Space and Trails Commission 2012 Annual Report;
- j. Approve Budget Ordinance Amendment No. 13BCC000064 to amend the AnimalKind budget. The amendment would increase the contract amount to allow the reimbursement of \$3,345 from NC Department of Agriculture and Consumer Services Spay/Neuter Program to Durham County to be disbursed to AnimalKind for additional Durham County animals to be provided low cost spay and neutering services;

- k. Approve Budget Amendment 13BCC000065 appropriating \$16,437 of damage liability funds to support the purchase of an undercover vehicle;
- l. Amend the contract with Tax Management Associates Inc. for business personal property audit services as proposed and approve Budget Ordinance Amendment No.13BC000066 in the amount of \$250,000 and authorize the Tax Administrator to execute said amendment;
- m. Amend the contract with Turner Business Appraisers for business personal property audit services as proposed and approve Budget Ordinance Amendment No. 13BC000067 in the amount of \$150,000, and authorize the Tax Administrator to execute said amendment;
- n. Amend the contract with County Tax Services, Inc. for business personal property audit services as proposed and approve Budget Ordinance Amendment No. 13BCC000068 in the amount of \$300,000, and authorize the Tax Administrator to execute said amendment;
- o. Approve the attached Interlocal agreement between the County and Triangle Transit regarding administration of the Commute Trip Reduction Ordinance and authorize the County Manager to execute it;
- p. Approve Capital Project Amendment No. 13CPA000011 transferring \$621,200 from the General Services (General Fund) operating budget to a new Administration Building Elevator Modernization Capital Project (41904200DC072);
- q. Approve Budget Ordinance No. 13BCC000069 to recognize and appropriate grant funds in the amount of \$62,500 to Durham County Emergency Management;
- r. Approve Budget Ordinance Amendment No. 13BCC000070 in the amount of \$200,000 to implement Triple P (Positive Parenting Program) and create 1 provisional FTE program coordinator;
- s. Approve Budget Ordinance Amendment No. 13BCC000071 in the amount of \$2500 from the State of North Carolina for the Refugee Health Program;
- t. Approve Budget Ordinance No. 13BCC000072 in the amount of \$1,500 from the National Association of Local Boards of Health;
- u. Approve the requested Budget Amendment No. 13BCC000073 to the Lincoln Community Health Center Foundation and authorize the Manager to execute a grant agreement on behalf of the County;
- v. Approve the proposed revised Commute Trip Reduction Ordinance.

10. Public Hearing and Approval of the Draft FY 2013-2014 Annual Action Plan (15 min)

- 1) The Board is requested to hold a public hearing on April 22, 2013 to receive citizen comments and approve the draft FY 2013-2014 Annual Action Plan. The Citizen Participation Plan contained in the adopted 2010-2015 Consolidated Plan requires that two (2) public hearings be held prior to the submission of the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing is to receive citizen comments on housing and community development needs and that public hearing was held on February 11, 2013. The purpose of the second public hearing is to receive citizen comments on the City's Draft Annual Action Plan, which specifies the allocation of CDBG, HOME and ESG funds. Of these three allocations, only HOME funds may be used outside of the corporate city limits.
- 2) Durham anticipates receiving approximately \$652,712.00 in HOME Consortium funds from HUD. In previous years, HOME Consortium funds have been used primarily for housing activities in Durham with special focus on target neighborhoods, including existing homeowner rehabilitation and first-time home homebuyer activities. Approximately, \$146,860.00 in non-federal funds will be needed from the HOME Consortium for the matching funds requirement of the HOME program.
- 3) The Annual Action Plan is Durham's application to HUD for FY 2013-2014 and outlines the actions Durham is taking with HUD-awarded funds to meet the goals as described in the 2010-2015 Consolidated Plan. HUD regulations require that the City submit the Council-approved Annual Action Plan by May 15th.

Resource Persons: Reginald J. Johnson, Director, City of Durham Department of Community Development

County Manager's Recommendation: The County Manager recommends that the Board hold a public hearing on April 22, 2013 to receive citizen comments and approve the draft FY 2013-2014 Annual Acton Plan.

11. 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) **Attachment A:** An Ordinance to Amend the Unified Development Ordinance Regarding Discretionary Regulations (TC1100007)
Attachment B: Planning Commission Comments
Attachment C: BPAC Memorandum

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.

12. Public Hearing - FY14 Fee Ordinance: Durham City-County Planning Department and Related Fees (15 min)

- 1) The Board is requested to consider and adopt the fee ordinance for the Durham City-County Planning Department. The Planning Department is submitting a fee ordinance that we believe will generate approximately \$982,000 in revenues for FY14. This revenue projection is conservative and is predicated on our analysis of development activity in the City, County and regionally and our careful review of national development trends.
- 2) This item has the following attachment:
 1. Proposed FY14 Fee Ordinance

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed fee ordinance and, if appropriate based on the comments received during the hearing, approve the fee ordinance.

13. Public Hearing - Unified Development Ordinance Text Amendment, Farmers' Markets and Commercial Crop Production (TC1200005) (15 min)

- 1) The Board is requested to conduct a public hearing and receive public comments on the Unified Development Ordinance Text Amendment, Farmers' Markets and Commercial Crop Production (TC1200005); and
- 2) To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 5, Use Regulations; Article 7, Design Standards; Article 9, Landscaping and Buffering; Article 10, Off-Street Parking and Loading; and Article 16, Definitions.
- 3) **Attachment A:** An Ordinance to Amend the Unified Development Ordinance For Farmers' Markets and Commercial Crop Production (TC1200005), Mark-up Version

Attachment B: An Ordinance to Amend the Unified Development Ordinance for Farmers' Markets and Commercial Crop Production (TC1200005), 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.

14. 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. City-County Appearance Commission
 - b. Durham County Hospital Corporation Board of Trustees
 - c. Emergency Medical Services Council
 - d. Farmland Protection Advisory Board
 - e. Industrial Facilities/Pollution Control Financing Authority

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.

15. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA (20 min)