

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

Monday, February 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) "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.
 - 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) "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 begin office hours for citizens on Wednesday, January 15th from 2:00 pm to 5:00 pm. Appointments can be made by calling me at 919-949-4022.

4. Minutes (5 min)

- a) January 27, 2014 Regular Session

5. Consent Agenda (15 min)

- a. Approve the membership roster and accept the report of the past year's activities for the Local Emergency Planning Committee (LEPC);
- b. Approve, and the Chair of the Board sign, the Durham Chapel-Hill Carrboro Metropolitan Planning Organization Memorandum of Understanding for Cooperative, Comprehensive, and Continuing Transportation Planning between the Governor of the State of North Carolina, City of Durham, Town of Chapel Hill, Town of Carrboro, Town of Hillsborough, County of Durham, County of Orange, County of Chatham, Triangle Transit, and the North Carolina Department of Transportation;
- c. Authorize the Chairman to execute the Memorandum of Understanding between the Natural Resources Conservation Service (USDA), Division of Soil and Water Conservation (NCDA), the Durham Soil and Water Conservation District Board (DSWCD) and Durham County Government to define the roles and responsibilities of the parties;
- d. Authorize the County Manager to execute the School of Social Work Agreement negotiated with University of North Carolina at Chapel Hill utilizing the services of the faculty members in the amount not to exceed \$41,650;
- e. Approve the amendment to the Minority/Women Business Enterprise (M/WBE) Ordinance to extend the County's M/WBE program expiration date to March 31, 2015;
- f. Approve Budget Ordinance Amendment No. 14BCC000041 establishing 36 FTEs and appropriate funds as recommended for personnel and equipment in the amount of \$1,050,286 to be funded from a transfer from the Community Health Trust Fund;
- g. Approve the use of a rear wall of the City-County owned Durham Convention Center for a civil rights mural;
- h. ~~Adopt staff's recommendation in relation to the Fire Study~~ **ITEM MOVED TO REGULAR AGENDA;**
- i. Accept the 3-year ambulance franchise renewal request, and schedule the request for a second reading, final approval on February 10, 2014.

6. Public Hearing to Consider Allocating Economic Development Investment Funds to Argos Therapeutics (15 min)

- 1) The Board is requested to hold a public hearing to consider allocating \$600,000.00 in economic development investment funds to Argos Therapeutics, (Argos), a private biopharmaceutical company headquartered in Durham. Argos is engaged in the research,

development and commercialization of fully personalized immunotherapies for the treatment of cancer and infectious diseases based on its Arcelis™ technology platform. The company traces its roots to Duke University where company founders developed a unique RNA-based technology. The company has various products in Phase 3 and Phase 2 clinical trials for metastatic renal cell carcinoma cancer (RCC), human immunodeficiency virus (HIV) and systemic lupus erythematosus. Argos recently filed to go public with a goal of raising \$60 million to help bring its therapies to market. The development of one of the company's products is being fully funded by the National Institutes of Health.

- 2) Argos is considering a site in Durham to construct a new 116,000sf headquarters, research & development and manufacturing center. The company is considering the Durham site along with sites in four other North Carolina counties as well as sites in Florida and Quebec Canada. Incentives are a key consideration in the company's decision of where it will locate the center.
- 3) Argos plans to invest approximately \$47.25M in the project. The project would bring 236 new jobs to the community by 2018 and allow Durham to retain 90 existing jobs. Indirectly, the company will create construction jobs, as well as contract jobs for services such as security and maintenance.
- 4) Argos is committed to corporate citizenship and civic involvement. The company supports the AIDS Foundation and the American Kidney Cancer Foundation. Argos conducts an annual food drive for the Durham and Eastern North Carolina Food Bank. Additionally, the company has donated equipment to Durham Technical Community College for its BioWorks Program.
- 5) Staff is recommending that the county participate in this economic development project by providing up to Six Hundred Thousand Dollars (\$600,000.00) for the capital investment, 236 new jobs created and 90 jobs retained. Funds would be furnished over a seven (7) year period through and economic development incentive fund performance contract.
- 6) This public hearing was advertised on Monday, January 27, 2014 as required by law.
- 7) Alignment with Strategic Plan: This project aligns with Goal 1: Community and Family Prosperity and Enrichment by supporting the retention of existing jobs and the creation of new jobs for a net job gain.

Resource Persons: Marqueta Welton, Deputy County Manager

County Manager's Recommendation: The County Manager recommends that the Board conduct the public hearing and, if appropriate, approve the proposed \$600,000.00 incentive for Argos Therapeutics.

7. **Public Hearing - Unified Development Ordinance Text Amendment, Density Revisions to Article 6 (TC1200012) (30 min)**

- 1) The Board is requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Density Revisions to Article 6 (TC1200012); and to adopt an ordinance amending the *Unified Development Ordinance*, incorporating revisions to Article 6, District Intensity Standards.
- 2) Text amendment TC1200012 is a request by Horvath Associates to modify certain density standards within Article 6 of the *Unified Development Ordinance* (UDO). The original proposal, as indicated in the attached application (Attachment A), would have established a new roadway density bonus for the Suburban Tier, similar to the roadway density bonus already established for the Urban Tier. The applicant's proposed bonus would: apply to parcels within the Suburban Tier along limited- or controlled-access rights-of-way; limit the bonus to parcels with direct access to service roads, intersections, or interchanges of the rights-of-way; and allow for the portion of right-of-way beyond 60 feet in width to be added into the parcel area for determining density.
- 3) At its May 1, 2013, meeting, the Joint City-County Planning Committee (JCCPC) discussed the proposed amendment application. Staff reviewed the application further and, after discussions with the applicant, came to the conclusion that the proposed modifications may allow application of the density bonus that were not anticipated for its use; and conversely, may not allow the application of the bonus in an area where it would be suitable.
- 4) Subsequently, revisions were suggested by staff, and accepted by the applicant, to propose the following:
 1. Adjust current density allowances to remove fractions of dwelling units;
 2. Modify the existing Residential Suburban-Multifamily (RS-M) Major Roadway Density Bonus to include frontage along service roads;
 3. Allow higher densities in the RS-M and RU-M districts, but only with approval by the governing body through rezoning with a development plan;
 4. Increase the density in the Residential Compact (RC) District to maintain consistency with proposed higher densities in the RU-M and existing densities in Design Districts; and
 5. Allow the use of density bonuses for multifamily development in nonresidential districts in the Suburban and Compact Neighborhood Tiers, consistent with those currently permitted within the Urban Tier.
- 5) Attachments: Attachment A: Application by Horvath Associates
Attachment B: An Ordinance to Revise Density Requirements within Article 6 of the *Unified Development Ordinance* (TC1200012)
Attachment C: Planning Commission Comments
- 6) Planning Commission Recommendation and Vote: Recommended approval, 11-1, on December 10, 2013.
- 7) 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: 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.

8. Fire Study Recommendations (30 min)

- 1) During the Worksession on February 3, 2014, the Board received staff recommendations on the Fire Study. Recommendations from the Fire Study are now being presented to the Board for formal consideration and adoption.
- 2) The Fire Study has been a collaborative effort between the County and the Fire Chiefs of the Bahama, Bethesda, Lebanon, Parkwood and Redwood Fire Departments. The County procured the services of Solutions for Local Governments, Inc. to conduct the study.
- 3) Once Solutions for Local Governments made its recommendations, County staff reviewed all of the recommendations and has prepared a final report for the Board's consideration.
- 4) The following attachments are included:
 - a. Fire Study from Solutions for Local Government, Inc.
 - b. Final list of recommendations from County staff
 - c. Listing of members of Recommendation Groups
- 5) **Alignment with Strategic Plan:** The Fire Study aligns with Goal 3 (Safe and Secure Community) under the following objectives to improve outcomes for vulnerable children, youth, adults and animals; improve coordination within public safety and criminal justice system; and enhance capacity to respond to emergencies.
- 6) The Fire Study also aligns with Goal 5 (Accountable, Efficient and Visionary Government) under the following objectives to strengthen leadership through collaboration; provide exceptional customer service; encourage innovation; harness community resources, expertise and intellectual capital; and adopt evidence based practices for programs.

Resource Persons: Lee Worsley, Interim County Manager; Mark Schell, Acting Fire Marshal; John Gentry, Assistant Fire Marshal

County Manager's Recommendation: The County Manager recommends that the Board adopt staff's recommendation in relation to the Fire Study.

9. ITEMS PULLED FROM CONSENT AGENDA (20 min)

10. CLOSED SESSION (20 min)

- 1) The Board of County 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 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.