

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

Monday, March 24, 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. **Welcome to Dr. Debra Saunders-White, New Chancellor at NCCU (5 min)**
 - 1) The Board is requested to present a proclamation and formally extend an official welcome to the new Chancellor of North Carolina Central University. Dr. Debra Saunders-White became North Carolina Central University's 11th chancellor and the first female leader of the University on June 1, 2013.
 - 2) Dr. Saunders-White began her career in higher education administration when she joined Hampton University as assistant provost for technology where she was later promoted to the newly created post of vice president for technology and chief information officer. Since joining the Eagles, she has focused on student success and "Eagle Excellence" and improving NCCU's record of graduating students ready for a diverse workforce.
 - 3) Acclaimed as a top leader among higher education executives by the American Association of State Colleges and Universities and American Council on Education, Chancellor Saunders-White will be formally installed as NCCU's 11th chancellor on Friday, April 4th.
 - 4) Dr. Debra Saunders-White will make remarks and introduce her staff.
 - 5) Alignment with Strategic Plan: This agenda item aligns with Goal 1: Community and Family Prosperity and Enrichment.

Resource Persons: Michael D. Page, Chairman

County Manager's Recommendation: The County Manager recommends that the Board extend the proclamation and best wishes for a successful tenure to the new North Carolina Central University Chancellor, Dr. Debra Saunders-White.

2a. Resolution for North Carolina Central University's Men's Basketball Team

- 1) The Board is requested to approve this resolution that staff has prepared to recognize the North Carolina Central University's Men's Basketball Team for an outstanding season, and for winning the 2014 MEAC Championship. The Division 1 team is also recognized for making its first appearance in the NCAA tournament. In addition to a successful season, Head Coach LeVelle Moton is also congratulated for his selection as the MEAC Coach of the Year.
- 2) Alignment with Strategic Plan: The recognition of North Carolina Central University's Men's Basketball Championship aligns with Strategic Plan Goal 1: Community & Family Prosperity and Enrichment. Such achievements enhance the quality of life for all.

Resource Persons: Chairman Michael D. Page

County Manager's Recommendation: The County Manager recommends that the Board present the resolution to Coach LeVelle Moton, the coaching staff and the team for its outstanding athletic achievements and for positively representing the Durham community on a national stage.

3. STATE OF THE COUNTY ADDRESS – Chairman Michael Page

4. Agenda Adjustments (5 min)

5. 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.

- 4) As Chair of the Board of County Commissioners, I will hold office hours for citizens on Wednesdays from 2:00 pm to 5:00 pm. Appointments can be made by calling me at 919-949-4022.

6. Minutes (5 min)

- a. March 10, 2014 Regular Session

7. Proclamation – Durham CROP Hunger Day Walk (5 min)

- 1) The 40th Annual Durham CROP Hunger Walk will be held on Sunday, April 6, 2014. Each year, the Durham CROP Hunger Walk helps our community to become aware of and concerned about hunger and its causes.
- 2) This year's event is sponsored by Durham Congregations in Action and its goals are:
 - To have more than 2,000 walkers
 - To raise more than 180,000 change the lives of hungry people in Durham
 - To celebrate the diversity and generosity of the Durham community
- 3) Alignment with Strategic Plan: This proclamation aligns with Goal 1: Community and Family Prosperity and Enrichment.

Resource Persons: Michael D. Page, Chairman

County Manager's Recommendation: The County Manager recommends that the Board approve this proclamation and present it to Ms. Kaaren Johanson, representing the Durham CROP Hunger Walk.

8. Proclamation – Diabetes Alert Day (5 min)

- 1) The Board is requested to proclaim March 25, 2014 as Diabetes Alert Day in Durham County.
- 2) The Durham Diabetes Coalition (DDC) is a collaborative partnership among Duke University, Durham County Department of Public Health, the University of Michigan Center for Geospatial Medicine, Durham health and community organizations, faith-based groups, and community members working together since 2011 to reduce death and injury from type 2 diabetes. The Durham Diabetes Coalition is partnering with the American Diabetes Association on 2014 Alert Day activities to encourage the public to learn their risk for type 2 diabetes.
- 3) Alignment with Strategic Plan: This initiative aligns with Goal 2, Health and Well-being for All. The DDC works towards strengthening the well-being of individuals and families through prevention, education, and treatment and partnering with community resources to increase access to health and wellness services.

Resource Persons: Gayle Harris, Public Health Director; Marissa Mortiboy, DDC Information and Communications Specialist

County Manager's Recommendation: The County Manager recommends that the Board proclaim March 25, 2014 as Diabetes Alert Day in Durham County, saluting the Durham Diabetes Coalition and its partners for working to reduce diabetes-related disparities and improve the quality of life for Durham County residents living with type 2 diabetes.

9. Proclamation - Designating April as Donate Life Month (5 min)

- 1) The Board is requested to issue a proclamation declaring April as Donate Life Month in Durham County. More than 120,000 people nationwide are on the transplant waiting list. Donate Life NC is working in Durham County on a grant funded project to increase the number of registered organ donors in the county to help reduce that waiting list. With the Duke University Medical Center's Transplant Center and the Carolina Donor Services Office in Durham, Donate Life NC is honoring donor families, transplant recipients and the many professionals and volunteers that work to make the gift of life possible.

Resource Persons: Sharon Hirsch, Executive Director, Donate Life North Carolina

County Manager's Recommendation: The County Manager recommends that the Board issue a proclamation declaring April as Donate Life Month in Durham County.

10. Proclamation – The Week of the Young Child (5 min)

- 1) The Board is requested to read **The Week of the Young Child 2014 Proclamation** on behalf of Durham's Partnership for Children, Child Care Services Association, and other local collaborating organizations during the March 24th BOCC meeting. This recognizes Durham County's commitment to children, birth to age 5, and the services being done through Durham's Partnership for Children and its partners.
- 2) Proclaiming this week the official Week of the Young Child 2014 helps to celebrate early childhood and recognizes the importance of investment in the Durham County by supporting the youngest population and their families.

Resource Persons: Laura Benson, Executive Director, Durham's Partnership for children.

County Manager's Recommendation: The County Manager recommends that the Board read The Week of the Young Child 2014 Proclamation on behalf of Durham's Partnership for Children and its partners during the March 24th BOCC meeting.

11. Resolution Supporting the Fair Minimum Wage Act Pending in Congress (5 min)

- 1) The Board is requested to formally adopt the attached Resolution Supporting the Fair Minimum Wage Act now pending in Congress. The Board asked staff to prepare the attached resolution at its February 3rd work session.
- 2) During the NACo Legislative Conference, several members of the Board met with Congressman G. K Butterfield and Congressman David Price to discuss the proposed federal legislation which calls for an incremental increase of the minimum wage to

\$10.10 an hour. Both indicated support for the issue and anticipate receiving a copy of this Board's resolution.

- 3) Alignment with Strategic Plan: This agenda item aligns with Goal 1: Community and Family Prosperity and Enrichment.

Resource Persons: Board of County Commissioners

County Manager's Recommendation: The County Manager recommends that the Board approve the resolution and forward copies to the members of the North Carolina Congressional Delegation.

12. Consent Agenda (15 min)

- a. Authorize the County Manager to execute the contract as agreed upon to provide Cash Points ATM services for visitors and employees of the new Durham County Courthouse;
- b. Approve Budget Ordinance Amendment No. 14BCC000046 to recognize the first installment of \$38,500 of an eighteen-month grant from the Z. Smith Reynolds Foundation for the Parents Leading the Way project;
- c. Approve Budget Ordinance Amendment No. 14BCC000047 for the amount of \$3,500 from the City of Durham for the Health Education Division to support the Durham County Community Health Assessment;
- d. Authorize the execution of the Agreement for Design Consultant Services with Summit Design and Engineering Services, PLLC for the design and construction services for the three County Parking Lots in an amount not to exceed \$53,225.00;
- e. Approve the Special Warranty Deed to the Durham Public Schools for the Lakewood Montessori Middle School located at 2115 Chapel Hill Road, Durham and Assignment of the Lease to DPS;
- f. ITEM REMOVED;
- g. Approve the attached contract with Alliance Behavioral Healthcare and authorize the County Manager to execute a final version of the contract.

13. Public Hearing - Unified Development Ordinance Text Amendment, Watershed Protection Overlay – Rural Villages, Revisions to Articles 8 and 16 (TC1300003) (20 min)

- 1) The Board is requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Watershed Protection Overlay – Rural Villages to Articles 8 and 16 (TC1300003); and

- 2) To adopt an ordinance amending the *Unified Development Ordinance*, incorporating revisions to Article 8, Environmental Protection, and Article 16, Definitions.
- 3) Text amendment TC1300003 is a request by Durham County to modify certain watershed protection overlay standards within Article 8 of the *Unified Development Ordinance* (UDO) and to insert a definition for “Rural Village” in Article 16 (see Attachment A). The proposal is the result of a series of six community meetings concerning land use and planning for the rural village of Rougemont, conducted by Planning staff from May 2013 to February 2013.
- 4) Staff presented these draft recommendations for the Village of Rougemont at the Board of Commissioners works sessions of May 6, 2013 and June 3, 2013. At the June 3rd meeting, the Board directed staff to proceed with preparation of an UDO text amendment incorporating staff’s recommended amendments to Article 8, Environmental Protection and Article 16, Definitions.
- 5) Staff recommends the following changes to the UDO:
 - a. Modify the impervious surface limit within the M/LR-B Watershed Protection Overlay to allow up to 12 percent impervious surface for properties within the rural Village of Rougemont, or 24 percent with engineered stormwater controls that control stormwater runoff from the first inch of rainfall;
 - b. Modify the minimum lot size within the M/LR-B Watershed Protection Overlay to allow a minimum lot size of one acre within the rural Village of Rougemont; and
 - c. Define the term “rural village.”
- 6) The Planning Commission recommended approval, 12-0, on February 11, 2014.
- 7) Attachments: Attachment A: An Ordinance to revise Watershed Protection Overlay Standards within Article 8 of the *Unified Development Ordinance* and Article 16, Definitions (TC1300013); Attachment B: Planning Commission Comments.
- 8) Alignment with Strategic Plan: The proposed text amendment is consistent with Goal 4 of the Durham County Strategic Plan, Environmental Stewardship, by improving land-use patterns and protecting environmental resources.

Resource Persons: Laura D. Woods, AICP, Senior Planner and Steven L. Medlin, AICP, City-County Planning Director

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. Public Hearing - A1300009, Village of Rougemont (30 min)

- 1) The Board is requested to conduct a public hearing and receive public comments on the Village of Rougemont (A1300009) Plan Amendment.

- 2) The Board is requested to adopt a resolution to change the Future Land Use Map to relocate Commercial and Very Low-Density Residential (2 DU/Ac.) designations within the Village, removing the Rural Residential designation within the Village, and changing the boundary for the Village of Rougemont.
- 3) The Staff recommends approval based on the justification and proposed land use designation meeting the four criteria for plan amendments.
- 4) Planning Commission recommended approval, based on information provided in the staff report, the applicant's justification, information heard at the public hearing, and meeting the criteria for plan amendments, 11-1, on February 11, 2014.
- 5) The memo from the Planning Director includes:
 - Attachment A: Proposed FLUM change
 - Attachment B: Area Context
 - Attachment C: Aerial Image
 - Attachment D: Village of Rougemont Boundary Change
 - Attachment E: Applicant's Justification Statement
 - Attachment F: Planning Commission Comments
 - Attachment G, Resolution
- 6) Alignment with Strategic Plan: This proposed plan amendment is an initiative of Goal 4 of the County Strategic Plan, Environmental Stewardship.

Resource Persons: Laura D. Woods, AICP, Senior Planner and Steven L. Medlin, AICP, Director

County Manager's Recommendation: The County Manager recommends that the Board conduct a public hearing and approve case A1300009, Village of Rougemont.

15. Public Hearing - Approval to Amend Economic Development Agreement with Gentian Group, LLC (10 min)

- 1) The Board is requested to authorize the Interim County Manager to execute an amendment to the economic development agreement negotiated with Gentian Group, LLC pursuant to the 2012 incentive awarded to the company for the construction of a hotel located at 315 E. Chapel Hill Street in downtown Durham. The amendment will extend the commencement and completion date for the construction by one (1) year. The need for an extension arose as a result of delays that occurred in connection with discussions concerning the closure of Holland Street.
- 2) Alignment with Strategic Plan: This project aligns with Goal 1: Community and Family Prosperity and Enrichment by increasing the County's tax base and supporting the creation of new jobs.

Resource Persons: Marqueta Welton, Deputy County Manager

County Manager's Recommendation: The County Manager recommends that the Board authorize the Interim Manager to execute the agreement with GE Aviation.

16. Public Hearing - GO Extension & Adopt an Order Regarding Extension for FY 2014 (10 min)

- 1) The Board is requested to approve the attached Resolution authorizing and adopting an order for the County to issue an extension to extend the issuance time for Bonds authorized under the 2007 Referendum to November 1, 2017. They are further requested to hold a Public Hearing concerning the extension of time to issue the remaining Bonds approved under the 2007 referendum.
- 2) Alignment with Strategic Plan: This request aligns with Goal 5 of the Strategic Plan, Accountable, Efficient and Visionary Government. By embracing new and efficient ways of using capital, County dollars can do more for its citizens.

Resource Persons: George K. Quick, Chief Financial Officer and Interim Deputy County Manager

County Manager's Recommendation: The County Manager recommends that the Board approve the Resolution authorized the extension for Bonds authorized under the 2007 Referendum to November 1, 2017.

17. Board and Commission Appointments (10 min)

- 1) Michelle Parker-Evans, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards:
 - a. Adult Care Home Community Advisory Committee
 - b. Animal Welfare Advisory Committee
 - c. Juvenile Crime Prevention Council
 - d. Library Board of Trustees
 - e. Nursing Home Community Advisory Committee
 - f. Workforce Development Board
- 2) Alignment with Strategic Plan: When citizens are engaged and partners on our boards and commissions, the vision of our Strategic Plan is achieved – a thriving, vibrant, diverse community with abundant opportunity for all residents to live, work, learn, play and grow.

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 and commissions.

18. ITEMS PULLED FROM CONSENT AGENDA (20 min)

19. CLOSED SESSION

- 1) The Board is requested to adjourn to closed session pursuant to G.S. 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege.

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