

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

Monday, August 11, 2014

**MINUTES**

**7:00 pm**

Place: Commissioners' Chambers, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Michael D. Page, Vice-Chair Brenda A. Howerton, and Commissioners, Fred Foster, Jr., and Ellen Reckhow

Absent: Commissioner Wendy Jacobs

Presider: Chairman Michael D. Page

**Opening of Regular Session**—Chairman Page opened the meeting and asked everyone to join in the Pledge of Allegiance.

**Agenda Adjustments**

There were no adjustments to the agenda.

**Announcements**

Chairman Page made the following announcements:

- "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.
- 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](mailto:Clerk@dconc.gov) for more information. Please note that all City and County taxes must be current at the time of application.
- "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.
- As Chair of the Board of County Commissioners, I will hold office hours for citizens each Wednesday from 2:00 pm to 5:00 pm. Appointments can be made by calling me at (919) 949-4022.

Commissioner Reckhow announced to the audience that the Board would be discussing the G4S security item over the next four weeks in light of the number of citizens who attended the meeting regarding the issue.

### **Minutes**

Vice-Chair Howerton moved, seconded by Commissioner Reckhow, to approve as submitted the July 28, 2014 Regular Session Minutes and May 30, 2014 Budget Worksession Minutes of the Board.

The motion carried unanimously.

### **Accept the Presentation of an Urban Libraries Council 2014 Top Innovators Award for the Library's First Library in Space Program**

Ms. Tammy Baggett, Library Director, introduced Ms. Susan Benton, Urban Libraries Council President and CEO. Ms. Benton gave a brief explanation of how the County's library was selected. Once a year, the Council asked for the most innovative programs to strategically move communities forward. She added that the Durham County library could have received the award in many areas. She congratulated the director and staff on outstanding work, and presented the Top Innovators Award to Ms. Baggett.

Ms. Baggett accepted the award and made brief remarks on the First Library in Space as well as other programs offered by the Library.

Ms. Gina Rozier, Marketing Manager, shared a PowerPoint presentation on the conception of the First Library in Space (FLIS) idea. The Library also developed a documentary, with the help of teens that was shared with the Board and audience.

The Board expressed how proud they were of the innovative library staff and the excellent services provided to the citizens of Durham County. The Board congratulated the team on their efforts, and on receiving the award.

### **Proclamation – Purple Heart Designation**

Chairman Page read the following proclamation:

**WHEREAS**, the Purple Heart is the oldest decoration in present use and was initially created as the Badge of Military merit by George Washington in 1782; and,

**WHEREAS**, the Purple Heart was the first American service award or decoration made available to the common soldier and is specifically awarded to any member of the United States Armed Services wounded or killed in combat while serving the United States against opposing armed forces; and,

**WHEREAS**, the mission of the Military Order of the Purple Heart, chartered by an act of Congress, is to foster an environment of goodwill among the combat wounded veteran members and their families, promote patriotism, support legislative initiatives and most importantly-make sure we never forget; and,

**WHEREAS**, there have been many Durham County residents who made the ultimate sacrifice for the cause of freedom and many combat wounded Veterans and Purple Heart recipients who live in the County;

**NOW, THEREFORE**, I, Michael D. Page, Chairman of the Durham Board of County Commissioners and on behalf of the Durham Board of County Commissioners do hereby bestow honor and gratitude to all combat-

wounded Veterans and those who have received the Military Order of the Purple Heart, and proudly proclaim Durham County as a

**“PURPLE HEART COUNTY IN THE STATE OF NORTH CAROLINA”**

This the 11<sup>th</sup> day of August, 2014.

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Michael D. Page, Chairman  
Durham Board of County Commissioners

Ms. Lois Harvin-Ravin, Veteran Services Director, stated that Durham County was the last county to become a Purple Heart county in North Carolina. She noted that there had been over 6500 Purple Heart license tags issued across the State of North Carolina.

Ms. Harvin-Ravin introduced Jesse G Torres, Adjutant, Military Order of the Purple Heart. Mr. Torres shared remarks and thanked the Board for considering approving the designation that would culminate all 100 counties in North Carolina as Purple Heart designees. He explained the mission of the Durham Chapter and expounded on some of the accomplishments over the past year.

**Consent Agenda**

Chairman Page asked the Commissioners if they desired to pull any items. There were no items pulled by Commissioners or citizens.

Commissioner Reckhow stated that she wished to comment on item “k.” She requested that in addition to the sending the resolution to the Attorney General, that staff share the resolution with counties across the State as well as the North Carolina Association of County Commissioners.

Vice Chair Howerton moved, seconded by Commissioner Reckhow, to approve consent agenda items a-m:

- a. Approve the revisions to the Rules of Procedure for the Board of County Commissioners;
- b. Approve the revisions to the Policies for Citizen Appointments;
- c. Approve the refund of \$466.50 for the overpayment of excise tax to the law firm of Ragsdale Liggett, PLLC;
- d. Approve the refund of \$164.00 for the overpayment of excise tax to Jason M. Fye;
- e. Approve the refund of \$152.00 for the overpayment of excise tax to Law firm of Moore & Alphin PLLC.;
- \*f. Approve Budget Ordinance Amendment No. 15BCC000006 recognizing and applying grant funds to Durham County Emergency Management in the amount of \$14,692;
- \*g. Approve Budget Amendment 15BCCC000007 appropriating \$32,323.25 of property damage liability settlement funds to support the purchase of a replacement patrol vehicle;
- h. Approve the Proposed FY15 Planning Department Work Program;

- i. Approve the lease with the Chapel Hill Training Outreach Project, Inc. for 215 Seminary Street for a five year term for \$1 per year, and to authorize the Manager to execute the lease;
- j. Receive the report on claims paid through the Risk Management Division for FY13-14;
- \*k. Approve the attached resolution opposing the Comcast-Time Warner Cable merger and forward a copy to the North Carolina Attorney General’s Office seeking further study;
- l. Approve the Agreement with Alliance Behavioral Healthcare for FY 15, in the amount of \$6,728,109.00;
- m. Approve the amended Residential Roadside Recycling Collection Services (RFP 12-018) contract with Waste Industries, LLC to provide roadside recycling collection services and the delivery and use of 7,000 new leased 95 gallon roll carts for citizens living in the unincorporated areas of Durham County.

The motion carried unanimously.

\*Document(s) related to this item follow:

Consent Agenda Item No. f.

DURHAM COUNTY, NORTH CAROLINA  
FY 2014-15 Budget Ordinance  
Amendment No. 15BCC000006

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2014-15 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> Intergovernmental	\$ 54,246,769	\$14,692	\$52,261,461

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Public Safety	\$53,324,193	\$14,692	\$53,338,885

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

This the 11<sup>th</sup> day of August, 2014.

Consent Agenda Item No. g.

DURHAM COUNTY, NORTH CAROLINA  
FY 2014-15 Budget Ordinance  
Amendment No. 15BCC000007

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2014-15 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 Revenues	\$929,062	\$32,323	\$961,385

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$53,338,885	\$32,323	\$53,371,208

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

This the 11<sup>th</sup> day of August, 2014.

Consent Agenda Item No. k.

**Durham County Board of Commissioners  
Resolution**

**WHEREAS**, Durham County NC has reviewed the elements of the proposed merger between Comcast and Time Warner Cable and determined that the merger will create a monopoly that poses a grave threat to NC consumers by its ability to control prices, content and availability; and

**WHEREAS**, the concentration of horizontal and vertical aspects of the cable and media business by the merger will grant Comcast unprecedented ability and incentive to engage in anti-competitive behaviors fundamentally harmful to North Carolina residents and businesses; and

**WHEREAS**, the merged Comcast would directly or indirectly control virtually all the North Carolina broadband market and cable TV market as well as limit visual and electronic media content the public can access; and

**WHEREAS**, the likelihood exists that certain types of content will be given special (or worse) treatment based on the provider's financial relationship with the merged entities; and

**WHEREAS**, consumers face the prospect of higher prices to pay the \$45 billion merger acquisition cost;

**WHEREAS**, North Carolina consumer and business interests are not likely to be protected by the Federal government, but can be protected only by proactive behavior by the North Carolina Attorney General;

**WHEREAS**, the North Carolina Attorney General has authority to launch an investigation into the merger and ascertain the likely effects of the merger upon North Carolinians;

**WHEREAS**, the North Carolina Attorney General could use federal authority to review the financial and consumer aspects of the merger and use that evidence to seek conditions that limit the effects of the merger upon North Carolinians by requiring consumer protections and anti-monopoly guarantees from the merged entity; and

**NOW, THEREFORE, BE IT RESOLVED** that the Durham Board of County Commissioners, go on record as being opposed to the proposed Comcast Time Warner Cable merger without adequate consumer protection conditions being placed on the merged entity.

**BE IT FURTHER RESOLVED THAT WE** do hereby call upon the North Carolina Attorney General to review the financial and consumer aspects of the merger and use that evidence to seek conditions that improve the effects of

the merger upon North Carolinians by requiring consumer protections, expansion of cable service to underserved areas, provision of high speed broadband infrastructure to serve our 21<sup>st</sup> century economy, and antimonopoly guarantees from the merged entity.

This the 11<sup>th</sup> day of August, 2014

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Michael D. Page, Chairman

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Brenda A. Howerton, Vice-Chairman

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Fred Foster, Jr.

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Wendy Jacobs

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Ellen W. Reckhow  
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**Public Hearing – Unified Development Ordinance Text Amendment, Technical Changes VII (TC 1300001)**

The Board was requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Technical Changes VIII (TC1300001).

The Board was also requested 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, Parking and Loading; Article 11, Sign Standards; Article 12, Infrastructure and Public Improvements; Article 13, Additional Requirements for Subdivisions; Article 15, Enforcement; and Article 16, Definitions.

Mr. Michael Stock, Senior Planner, introduced the item. He certified that all advertisements were made in accordance with the statute. Mr. Stock gave a brief explanation of the proposed changes. He indicated that the Planning Commission unanimously recommended approval of the changes on May 13, 2014.

Commissioner Reckhow referenced page 28 of the Ordinance related to swimming pools. She specifically questioned the deletion of the requirements for enclosing private pools with walls or fences. Mr. Stock responded that there were sometimes duplicative or contradictory regulations between the building code and the UDO, so it was determined that the enclosure requirements would be determined through the code.

Commissioner Reckhow expressed safety concerns and recalled a tragedy that resulted in the fencing requirement being added to the UDO. Mr. Steve Medlin, Planning Director, commented that the biggest change was the new requirement for building permits for swimming pools which now require inspections.

Commissioner Reckhow questioned the height requirement for the fence. Mr. Medlin responded that the 5' height was the same as the building code. There was additional discussion regarding opaque requirements to create a noise buffer. Mr. Medlin indicated that he would look at adding some additional language back into the ordinance.

Regarding the form based code, Commissioner Reckhow commented on the new apartment buildings being constructed. Some residents have questioned why the buildings are so close to the street. She commented that depending on the width of the street or sidewalk, the buildings could appear dominating. She opined that there was some merit to having a few extra feet of a planted strip between the street and buildings.

Mr. Stock responded that Planning was currently looking at those issues.

Chairman Page opened the public hearing. As there were no individuals signed up to speak, Chairman Page closed the public hearing.

Commissioner Reckhow moved, seconded by Vice-Chair Howerton, 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, Parking and Loading; Article 11, Sign Standards; Article 12, Infrastructure and Public Improvements; Article 13, Additional Requirements for Subdivisions; Article 15, Enforcement; and Article 16, Definitions.

The motion carried unanimously.

### **Adjournment**

Vice-Chair Howerton moved, seconded by Commissioner Reckhow, to adjourn the Regular Session meeting.

The motion carried unanimously.

Respectfully Submitted,



V. Michelle Parker-Evans  
Clerk to the Board