



# Durham County

200 E. Main Street  
Durham, NC 27701  
(919) 560-0025

## Meeting Minutes Board of County Commissioners

*Michael D. Page, Chair*  
*Brenda A. Howerton, Vice Chair*  
*Fred Foster, Jr., Commissioner*  
*Wendy Jacobs, Commissioner*  
*Ellen W. Reckhow, Commissioner*

Monday, May 11, 2015

7:00 PM

Commissioners' Chambers

### “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

**Opening of Regular Session - Pledge of Allegiance and Emergency Medical Services Honor Guard Ceremony**

### **Agenda Adjustments:**

Chairman Page announced that there were no agenda adjustments.

### **Announcements:**

Chairman Page read the following announcements:

- 1) Celebrate Durham Bike Month during the month of May. Visit the website [www.durhambikemonth.org](http://www.durhambikemonth.org) to find out about many exciting bicycling activities going on during the month.
- 2) Durham Center for Senior Life is sponsoring a Benefit celebrating “The 50th Anniversary of the Older Americans Act of 1965” at the Beyu Café, on Wednesday, May 20th, at 6:00 PM. Please

visit the website at <http://www.dcsln.org> for tickets and further information.

- 3) Read Local! Come join the inaugural weekend-long event May 15-17 which will feature a kick-off Cookbook Rodeo, writing workshops, author dinners, a daytime exhibition in Durham Central Park, children's activities, etc. Festival proceeds support a great cause: the Durham Library Foundation! Find out more at [www.readlocalinc.org/festival/about](http://www.readlocalinc.org/festival/about).
- 4) Please contact the Clerk's Office at 919-560-0025 or [clerk@dconc.gov](mailto:clerk@dconc.gov) to find out about opportunities to serve on one of our volunteer boards or commissions.
- 5) We invite you to tune in to Cable TV Channel 8 or 97-5 to see rebroadcasts of tonight's meeting as well as other Durham County programming that may be of interest to you. Please contact the Public Information Office at 919-560-0008 or our website [www.dconc.gov](http://www.dconc.gov) for more information.
- 6) These announcements may also be found on the County's website or you may call the Clerk's Office at 919-560-0025.
- 7) Chairman Page announced the Durham City-County Planning Department would host a Public Workshop on Tuesday, May 19, 2015 at 6pm at the Durham Arts Council PSI Theatre located at 120 Morris Street. He announced the event was free and open to the public.

**Directive: Commissioner Reckhow asked County Manager Davis to look at providing a briefing at an upcoming Worksession on the affordable housing issues addressed at the last Joint City-County Planning meeting.**

- 8) Announcement by Dr. Rick Copeland regarding summer camp for young males. Dr. Copeland announced that Exxon Mobile Bernard Harris Summer Science Camp offered a free summer camp beginning June 6 – 17, 2015 for rising 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> graders. He added 48 students would be accepted into the program and applications were available at [www.harrisfoundation.org](http://www.harrisfoundation.org) until May 29, 2015.

Commissioner Jacobs asked Dr. Copeland if he reached out to Durham Public School (DPS). Dr. Copeland responded DPS had been contacted and a posting would be available on the website.

- 9) Commissioner Jacobs thanked those who assisted and attended the May 2, 2015 Senior Summit. She stated she looked forward to a report being made available to the Board in the future.

Commissioner Jacobs also informed citizens of job screenings that would take place for several opportunities within the community.

#### **Minutes:**

Vice Chair Howerton moved, seconded by Commissioner Reckhow to approve the April 27, 2015 Regular Session minutes.

The motion carried unanimously.

#### **Ceremonial Items:**

**Recognizing the 40<sup>th</sup> Anniversary of the Founding of Durham County EMS, and Recognizing the Founding Members Present**

Skip Kirkwood, EMS Director recognized the founding members of the Durham County Emergency Medical Services (EMS). Mr. Kirkwood presented each founding member, the County Manager, the County Attorney and members of the Board of County Commissioners with commemorative challenge coins to mark the occasion.

Mickey Tezai, Founding EMS Director acknowledged the members present and recognized Kelvin Wilson and Rodney Weatherspoon who had served Durham County EMS for 38 and 39 years. He also thanked the Board for their support and the recognition.

Dr. Gaylin Wagner, Director of Duke Critical Care Unit shared history of the Durham County EMS and thanked the Board and Mr. Kirkwood for the recognition.

**Proclaiming the Week of May 17-23, 2015, as Emergency Medical Services Week in Durham County**

Chairman Page read the following proclamation.

**WHEREAS**, Durham County's emergency medical services system provides a vital public service; and

**WHEREAS**, the members of Durham County's emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

**WHEREAS**, access to quality emergency care in Durham County dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

**WHEREAS**, Durham County's emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

**WHEREAS**, the members of Durham County's emergency medical services teams engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

**WHEREAS**, Americans generally, and Durham County residents, workers and visitors in particular benefit daily from the knowledge and skills of these highly trained individuals; and

**WHEREAS**, it is appropriate for the Durham County Board of County Commissioners to join with other governing bodies across the United States in setting aside the week of May 17-23, 2015 in recognition of the value and the accomplishments of emergency medical services teams systems, by marking the week of May 17-23 as Emergency Medical Services Week;

**NOW, THEREFORE**, on behalf of the Durham County Board of County Commissioners, I, Michael D. Page, Chairman do hereby proclaim the week of May 17-23, 2015, as

**“EMERGENCY MEDICAL SERVICES WEEK IN DURHAM COUNTY”**

and with the theme **EMS STRONG**, I encourage the community to observe this week with appropriate programs, ceremonies, and activities.

This the 11<sup>th</sup> day of May, 2015.

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Michael D. Page, Chairman  
Durham Board of County Commissioners

Skip Kirkwood, Emergency Medical Services (EMS) Director thanked the Board for the proclamation and asked staff in the audience to stand and be recognized. He announced that EMS week festivities would be held on May 21, 2015 at 4:30pm at the EMS Station (1) One located at 402 Stadium Drive.

## **Consent Agenda:**

Chairman Page asked the Commissioners if they desired to pull any items from the Consent Agenda. Chairman Page pulled item 15-407 and citizens requested to pull item 15-433.

Commissioner Jacobs moved, seconded by Commissioner Reckhow to approve the following items on the Consent Agenda:

15-395 Resolution Authorizing the Sheriff of Durham County to Allow Retiring Deputies and Detention Officers to Retain their Badge and for Retiring Deputies to Purchase Their Service Weapon

15-400 Consent for Purchase of Internet Circuit Bandwidth Increase

15-403 Judicial Parking Lease

15-405 Amendment to a Contract with Tyler Technologies, Inc.

15-408 Contract Amendment for County Tax Service, Inc.

15-410 Administrative Interpretation of Falls/Jordan Watershed Protection Overlay District

15-414 Criminal Justice Advisory Committee Appointments

15-415 Juvenile Crime Prevention Council Appointment

15-421 Juvenile Crime Prevention Council Funding Recommendation for FY2016

15-425 Re-allocate Funds Budgeted for EMS Contractual Services to EMS Medical Supplies and Equipment

15-428 Durham County Hospital Corporation (DCHC) Recommendation for Duke University Health System (DUHS) Board of Directors Seat

The motion carried unanimously.

## **Public Hearings:**

### **15-411 Public Hearing – Unified Development Ordinance Text Amendment, Revisions to the Wireless Communication Facilities Ordinance (TC1200013)**

Michael Stock, AICP, Senior Planner discussed the amendments and the revisions recommended. He stated on May 4, 2015 the City Council approved the proposed text amendment and voted 7-0. Mr. Stock reminded the Board that they would be required to vote on two (2) actions.

Commissioner Foster referenced the following text “*Planning Commission Recommendation and Vote: Recommended approval, 8-4, on March 10, 2015, with an additional recommendation to reduce the maximum height of freestanding WCFs on RR-zoned property in the Suburban Tier*” and stated according to the recommendations, did it mean that the City Council or staff did not take that into consideration. Mr. Stock responded the City Council did take that into consideration and voted to not include it in the text amendment revision. He stated the request focused on the RR height in the suburban tier and not the rural tier. Mr. Stock continued to say that the proposal was for the current

height requirements and regulations (120ft). Commissioner Foster asked if the citizens' concerns about the increased height was addressed. Mr. Stock stated the citizens were seeking a reduction in the maximum height for the RR zoned properties only in the suburban tier. Commissioner Foster asked if the text amendment passed, would it make it consistent across the board in all the tiers. Mr. Stock responded no. Commissioner Foster asked if the staff did all they could. Mr. Stock responded the staff and the City Attorney were all comfortable with the recommendations brought before the Board.

Commissioner Reckhow asked if the height in the standard residential zone would be 60ft. Mr. Stock stated the height would depend on the base zonings. Commissioner Reckhow asked if there were towers at the 55-60ft height. Mr. Stock responded he was unsure. He added that all had been at/or close to the maximum height; no request were made for towers at the minimum height. Commissioner Reckhow asked if conversations were had with the cell tower industry during the course of development to determine if towers could be used at 60ft high. Mr. Stock stated it was feasible but it depended on the location of the towers.

Vice Chair Howerton asked for clarity regarding safety. She stated there was no clear definition around safety and asked would it be worked on at a later date. Mr. Stock responded there were recommendations for additional language regarding structural and other technical safety requirements. He stated that the staff felt the current language worked and it was presented to City Council that if they desired to propose additional requirements they could do so.

Commissioner Jacobs discussed the map provided and mentioned her concern with minimum acreage of unconcealed towers. She discussed the range of RR uses. She inquired about the minimum acreage for concealed towers. Mr. Stock responded the standard would be 120% of the tower or a minimum of 85ft. setback. Commissioner Jacobs suggested a minimum acreage (2-3 acre minimum) be established. Mr. Stock stated he had no suggestion at this time. Commissioner Jacobs inquired about any ongoing plan for the supervision or inspection of the towers. Mr. Stock responded that concern was raised at the City-County meeting; and unfortunately there was no plan or program in place. He added once a certificate of compliance was received, that was all. Additional resources would be needed to institute a maintenance program.

Chairman Page opened the public hearing for comments.

Fred Bower stated he was in favor of strict cell tower placement near homes. He stated his neighborhood (Eagles' Point) was one that asked for the placement of towers.

Philip Azar, President of Inter-Neighborhood Council of Durham discussed his concerns of height distinction. He stated if the improvements on the amendment could not be done, he would like to see a date set for the amendments to come back before the Board.

Dolly Fehrenbacher discussed two concerns from the planning amendment which included the lack of equalization in the Durham community regarding the height requirement. She also mentioned an additional focus should be on shallow safety protection.

Donna Rudolph stated that safety should be a top priority along with the community agreeing on the appearance of the tower in the neighborhood. She asked the Board to be on the side of safety and redundancy.

Commissioner Reckhow thanked the staff for putting together an excellent ordinance and the citizens for their input. She recalled a comment made by Mr. Azar regarding the fees and stated if the Board asked the staff to review, the fees would not be an issue. Commissioner Reckhow discussed two issues and

issued the following directive to the staff:

- Issue of land zoned RR in the suburban tier (deserves a second look)
- Issue of safety (many towers fail safety test when inspected by third party)

She urged the Board to look further to see what protection measures could be put in place in the RR districts regarding the towers. She also spoke about looking further at the safety issue. She suggested that the Board direct staff to flesh out the language in the ordinance regarding inspection and safety.

**Directive: Ask staff to come back with an approach on how the Board would know in the future that the towers are safe and being inspected.**

Commissioner Reckhow stated that she hoped the Board would approve the ordinance and recognize the good work. She also suggested a third motion from the Board to direct the staff to review the issue of rural residential within the suburban tier and what additional measures could be done as well as the safety issue.

Chairman Page stated he was willing to support the motion; however, he questioned if the motion could be withheld until all the items were addressed. Commissioner Reckhow stated the staff could be directed to work on the items. She added nothing would get approved through the process for another six (6) months and found it valuable that the Board get the ordinance in place.

Chairman Page asked the citizens if they were satisfied with the options addressed.

Ms. Rudolph stated reviewing the condition of the aging towers was a way to make sure the issues were addressed. Commissioner Reckhow responded that an inspection program should be put into place. She also asked that staff be directed to look and review the safety issue of the towers.

Mr. Azar discussed the maintenance process and safety issues. He reiterated the three issues: Safety, Inspection protocol and Being more protective of RR. Mr. Azar asked the Board to select an acreage to allow the revisions to go through; however if there was an issue of 120ft tower being installed, it would be protected.

Ms. Fehrenbacher mentioned the safety issues that she was concerned with. She asked that the responsibility be placed on the manufactures so that the citizens could feel more protected.

Chairman Page closed the public hearing.

Commissioner Reckhow moved, seconded by Commissioner Jacobs to adopt the appropriate Statement of Consistency pursuant to NCGS §153A-341.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Commissioner Jacobs to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits; Article 5, Use Regulations; and Article 16, Definitions.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Vice Chair Howerton to ask staff to

look at issues related to cell tower ordinance:

In the suburban tier, rural residential to look at measures that would help to protect the urbanizing area associated with new cell tower construction such as minimum acreage;

Look at the safety provisions and ways to clarify and expand the wording to cover all components;

Ensure there was a policy guideline that towers would remain safe during their usage and provide an inspection and maintenance protocol moving forward.

The motion carried unanimously.

### **Board and Commission Appointments:**

Michelle Parker-Evans, Clerk to the Board, distributed ballots to the Board to make appointments to boards and commissions.

The Board made the following appointments (incumbents are underlined.) Individuals listed in bold were appointed:

Durham County Hospital Corporation (DCHC)

**Farad Ali** (Foster, Howerton, Jacobs, Page, Reckhow)

Pat Ashley (Foster, Reckhow)

**Barbara M. Hendrix** (Foster, Howerton, Jacobs, Page)

**Eric S. Moore** (Howerton, Jacobs, Page, Reckhow)

**Thomas C. Murphy** (Foster, Howerton, Jacobs, Page, Reckhow)

**Luis Pastor** (Howerton, Jacobs, Page, Reckhow)

Gregory E. Ward (Foster)

### **Items Pulled From Consent Agenda:**

#### **15-407 Durham City-County Workforce Development Area Interlocal Consortium Agreement to Serve as a Designated Local Workforce Development Area, to Establish a Local Workforce Development Board, and to Administer the Workforce Innovation and Opportunity Act of 2014**

Chairman Page asked if the Vocational Rehabilitation position would still be appointed by the County and if so, had the person already been appointed. Kevin Dick, Director of the Office of Economic and Workforce Development responded the position was occupied and was a mandatory seat on the board. Chairman Page asked if Durham Technical Community College was being represented. Mr. Dick concurred, adding DTCC was represented in one of the education slots.

Chairman Page expressed his concern about the Board giving up their voice to vote. He added that he supported the Board on the decision they would make; however, he would vote against the item.

Vice Chair Howerton asked for clarification on schedule B2. Mr. Dick stated under schedule B2 each governing body would have the ability to vote on voting member and one non-voting member. He added the staff recommended Option 1 and Schedule B1 which would not entail any voting members, just liaisons.

Commissioner Reckhow asked for clarification on the recommended number of members for the board. Mr. Dick responded the State suggested 19.

Chairman Page asked if the request from Vice Chair Howerton which was to bring back examples of what other cities were doing was completed. Mr. Dick stated it was not; he added he thought the request was later deemed unnecessary.

Vice Chair Howerton stated she reached out to other Workforce Development Boards and their limit was 25 members. She questioned why the County was different. Mr. Dick stated under schedule B1, there would be 25 members. Chairman Page asked if there were any Commissioners on those rosters. Commissioner Jacobs responded there were, but they were non-voting members.

Vice Chair Howerton stated there was no consistency in comparison with other counties and she questioned why Durham was not being consistent. Mr. Dick stated two options were presented to the Board. He stated option B1 offered the strongest spirit under the new federal law. Mr. Dick stated there was no wording in the new law regarding consistency among other counties.

Commissioner Reckhow moved, seconded by Commissioner Foster to approve the item as recommended by the staff.

The motion carried as follows:

Ayes: Foster, Jacobs, Reckhow

Noes: Howerton, Page

### **15-433 Approval of Security Services Contract with Old Dominion Security**

Shadi, member of Jewish Voice for Peace requested the County drop their contract with G4S. He mentioned how grateful he and other members were that the County would not extend the contract with G4S after June 2015.

Genna Cohen, member of Jewish Voice for Peace shared feedback from an open community meeting on March 8, 2015 regarding the reorganization of County security.

Jade Brooks, member of Jewish Voice for Peace extended her gratitude to the Commissioners for finding a new security vendor.

Vice Chair Howerton moved, seconded by Commissioner Jacobs to approve the item as recommended by the staff.

The motion carried unanimously.

### **Adjournment:**

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

The motion carried unanimously.

Respectfully Submitted,



A handwritten signature in black ink, appearing to read "Monica Toomer". The signature is fluid and cursive, with the first name "Monica" written in a larger, more prominent script than the last name "Toomer".

Monica W. Toomer  
Deputy Clerk to the Board