



Durham County

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

Meeting Agenda 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, August 10, 2015

7:00 PM

Commissioners' Chambers

Closed Session (To be held at: 5:30 pm)

15-617

Closed Session (TO BE HELD AT 5:30 pm)

Agenda Text:

The Board 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 public officer or 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 accordingly.

"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)**

15-611

Announcements

Agenda Text:

- 1) Please contact the Clerk's Office at 919-560-0025 or clerk@dconc.gov

[<mailto:clerk@dconc.gov>](mailto:clerk@dconc.gov) to find out about opportunities to serve on one of our volunteer boards or commissions.

- 2) 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>](http://www.dconc.gov) for more information.
- 3) These announcements may also be found on the County's website or you may call the Clerk's Office at 919-560-0025.

4. Consent Agenda (15 min)

15-574

Approval of Security Services Contract Amendment with Old Dominion Security Co., Inc.

Agenda Text:

The Board is requested to authorize the County Manager to amend the Old Dominion Security Co., Inc. (ODS) contract dated May 26, 2015 to increase the contract amount by \$228,716.50 to reflect changes approved by the Board during the FY2015-2016 budget process and additional security hours and assignments requested.

During the fiscal year 2015-2016 budget process, the Board approved the following annual increases for security hours:

- Stanford L. Warren library from 40 to 61 hours per week \$
28,959.00
 - Southwest, East, and South Regional libraries combined \$
58,212.00
 - North Regional library security hours \$ 28,269.50
 - Departmental after-hours use of Health and Human Services
conference rooms \$ 58,219.00
- \$173,659.50**

Additional security hours and assignments requested include:

- Extension of night patrol coverage
From 40 hours Wed-Sun to 56 hours Sun-Sat \$ 22,064.00
 - Increase Health and Human Services Security Desk hours
for security monitoring of library duress alarms
From 7:00am-7:00pm to 7:00am-9:00pm Mon-Fri \$
9,240.00
- \$ 31,304.00**

Total Increase: \$228,716.50

The Board is further requested to approve language change to reflect the Bragtown Library seasonal business hours at no additional cost to the County.

The current base contract for security services is \$1,276,623.50. With the above changes, the Board is requested to approve an amended agreement not to exceed \$1,505,340.00.

Alignment with Strategic Plan: The requested agreement aligns with Goal 3, Safe and Secure Community, by partnering with the community to prevent and address unsafe conditions, protect life and property and respond to emergencies.

Resource Persons: Motiryo Keambiroiro, General Services Director; Ed Miller, Security Manager

County Manager's Recommendation: The Board is requested to authorize the County Manager to amend the Old Dominion Security Co., Inc. (ODS) contract to increase the contract amount by \$228,716.50 to reflect changes approved by the Board during the FY2015-2016 budget process and additional security hours and assignments requested.

Attachments:

[ODS Contract Amendment FY 2015-2016 \(07102015\)](#)

[ODS FY 2015-2016 Contract Amendment AAF 07152015](#)

15-582

Refund of Overpayment of Tax/Revenue Stamps pursuant to N.C. General Statute 105-228.37

Agenda Text:

The Board is requested to refund the overpayment of Tax/Revenue Stamps pursuant to N.C. General Statute 105-228.37 in the amount of 340.00.

The statute states: “(a) A taxpayer who pays more tax than is due under this Article may request a refund of the overpayment by filing a written request for a refund with the Board of County Commissioners of the county where the tax was paid. The request must be filed within six months after the date the tax was paid and must explain why the taxpayers believes a refund is due.”(See attached statutory reference).

On February 24, 2015, a deed was recorded in Durham County Register of Deeds office in Book 7652 page 757. The deed was recorded in Durham County in error. The Deed has been recorded in the proper county (Wake). (Copies attached) Therefore Zdenek law firm, PA requests a refund of the tax amount of \$340.00 payable to ALF Recording Account.

Alignment with Strategic Plan: Goal 5 Accountable, Efficient, Visionary Government. In complying with the before mentioned statute, funds paid to the County in error must be refunded.

Resource Persons: Sharon A. Davis, Chief Assistant, Register of Deeds.

County Manager's Recommendation: The County Manager recommends that the Board approve the refund in the amount of \$340.00.

Attachments: [Overpayment of Revenue Stamps](#)

15-594

Electronic Poll Book Software for Election Day Polling Locations

Agenda Text:

The Board is requested to approve the contract with VR Systems to provide the Board of Elections with electronic poll book software and related services.

Electronic poll books will improve the voting experience for voters by eliminating the printed poll books and reducing registration verification time. It will also eliminate the need for separate lines based on last names, allowing voters to be processed at any available station.

Alignment with Strategic Plan: This action aligns with Goal 5: Accountable, Efficient and Visionary Government by facilitating a more efficient voting process.

Resource Persons: Michael E. Perry, Director of Elections

County Manager's Recommendation: The County Manager recommends that the Board approve the contract with VR Systems to provide the Board of Elections with electronic poll book software and services.

Attachments: [VRS Management announcement_Final.pdf](#)

[Durham County EVID System Software License Agreement_0707215.pdf](#)

15-597

Lease Extension with Subway Real Estate Corp. for 200 East Main

Agenda Text:

The Board is requested to approve a lease extension with Subway Real Estate Corp. for the restaurant space on the ground floor of 200 East Main Street for an additional three years and to authorize the Manager to execute the lease extension. The current lease with Subway expires on October 2, 2105. The subway lease of the "canteen space" began in October 2005, with the desire to have a dependable, healthy, an affordable food option available to County employees.

The attached lease extension continues the provisions of the existing lease. The rent will increase 3% each year from the current rate, which equates to \$7,725 per year in the first year, and increasing to \$8,195 by the third year. The term of the lease is for three years, from October 3, 2015 to October 2, 2018. After this time, it is anticipated that the renovations of the Judicial Building will be complete, with street level restaurant space planned to be incorporated. With food options available across the street, the space within the Administration building could then be re-programmed for other county needs.

The tenant had a significant drop in revenues between 2012 to 2014 after both the Judicial building and the DSS building were closed with a corresponding loss of almost 500 employees in the immediate vicinity. As a result, the extension does include a provision requested by the tenant that they may

terminate the lease with a 90 days written notice upon providing sufficient documentation that business expenses have exceeded revenues for a period of no less than the previous six months. The Tenant has indicated that revenues have stabilized, so this clause is unlikely to be invoked.

Alignment with Strategic Plan: The lease of the “canteen space” in the Administrative building for the continued provision of affordable, healthy food options for county employees supports Goal 5, “Accountable, Efficient and Visionary Government.”

Resource Persons: Jane Korest, Open Space & Real Estate Manager; Jay Gibson, Director of Engineering and Environmental Services

County Manager’s Recommendation: The County Manager recommends that the Board approve the lease extension with Subway Real Estate Corp. for the restaurant space on the ground floor of 200 East Main Street for an additional three years and to authorize the Manager to execute the lease extension.

Attachments:

[Attach 1 Subway Lease Summary](#)

[Attach 2 Subway Lease Extension and Existing Lease](#)

15-598

Budget Ordinance Amendment No. 16BCC00006 - Appropriate General Fund fund balance in the Amount of \$211,585 and Increase the General Services FY 2015-2016 Capital budget by the Same Amount in Order to Complete the Installation of the Backup Generator at the Durham County Storage Facility Approved and Initiated in FY 2014-2015

Agenda Text:

The Board is requested to appropriate \$211,585 of General Fund fund balance and increase the General Services General Fund capital budget for FY2015-2016 in order to complete the installation of the backup generator at the Durham County Storage Facility approved and initiated in FY 2014-2015. The funds were not encumbered due to administrative requirements that needed to be completed prior to execution of a contract or purchase order.

This project is for the installation/construction of a backup generator at the Durham County Storage Facility located at 4527 Hillsborough Rd., Durham NC. The addition of a backup generator is critical to the storage facility and would allow continued operations in the event of a power outage. Plans/Specifications were developed by Sigma Engineered Solutions. The project was advertised for bids on April 28, 2015. Bids were received on June 2, 2015 with Nationwide Electrical Services, Inc. being the apparent low bidder. The contracts were not executed within the time frame for the encumbrance of funds prior to close of FY 2014-2015 funding. However, our intent is to award the contract to Nationwide Electrical Services, Inc. for the installation.

Alignment With Strategic Plan: Goal 5 Efficient Government

Resource Persons: Marqueta Welton, Deputy County Manager; Motiryo Keambiroiro, Director of General Services; Jay Gibson, P.E., County Engineer;

Peri Manns, ASLA, Senior Project Manager

County Manager's Recommendation: The County Manager recommends that the Board approves Budget Amendment No. 16BCC00006 to appropriate \$211,585 of General Fund fund balance and increase the General Services FY2015-2016 capital budget in order to complete this project.

Attachments: [AAF-06 Legal Form Backup generator at the Durham County Storage Facility.doc](#)

15-613 Grant Additional Vacation Days for the County Manager

Agenda Text: The Board is requested to grant an additional five days of vacation leave annually for the County Manager.

Alignment With Strategic Plan: (brief statement and relevant goal)

Resource Persons: Michael D. Page, Chair

15-618 Voting Delegate - NC County Commissioners' Conference

Agenda Text: The Board shall approve Commissioner Ellen Reckhow as voting delegate for the North Carolina County Commissioners' Conference in August, 2015.

Resource Persons: Michael D. Page, Chair; V. Michelle Parker-Evans, Clerk

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners appoint Commissioner Ellen Reckhow as voting delegate and for the North Carolina County Commissioners' Conference in August, 2015.

5. Public Hearings

15-579 Public Hearing - 2014 Evaluation and Assessment Report of the Durham Comprehensive Plan

Agenda Text: The Board is requested to conduct a public hearing and receive public comments on the policy text changes and rectification of amendments to the Future Land Use Map of the Durham Comprehensive Plan as contained in the 2014 Evaluation and Assessment Report (EAR) (A1500001).

Alignment with Strategic Plan: The EAR is aligned with Goal 5 of the County Strategic Plan: Accountable, Efficient, and Visionary Government.

Resource Persons: Karla Rosenberg, Planner, and Steven L. Medlin, AICP, Director

County Manager's Recommendation: The County Manager recommends that the Board approve the policy text changes and rectify amendments to the Future Land Use Map of the Durham Comprehensive Plan as contained in the 2014 Evaluation and Assessment Report (EAR).

Attachments: [A1500001_EAR MemoBOCC_FINAL.docx](#)
[A1500001 Attachment 1 - Approved FLUM Change Maps.pdf](#)
[A1500001 Attachment 2 - Map of Adopted PAs_2004-2014.pdf](#)
[A1500001 Attachment 3 - Approved Zoning Changes_2014.pdf](#)
[A1500001 Attachment 4 - Comprehensive Plan Implementation Highlights_FIN/](#)
[A1500001 Attachment 5 - Proposed Policy Text Changes - FINAL.docx](#)
[A1500001 Attachment 6 - Map of Technical Changes to FLUM.pdf](#)
[A1500001 Attachment 7 - Written Comments.docx](#)
[A1500001 Attachment 8 - Resolution.docx](#)

15-595**Public Hearing - Unified Development Ordinance Text Amendment, Affordable Housing Parking and Density Bonus (TC1500003)****Agenda Text:**

The Board is requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Affordable Housing Parking and Density Bonus (TC1500003); and

First Motion: To adopt the appropriate Statement of Consistency pursuant to NCGS §153A-341; and

Second Motion: To adopt an ordinance amending the *Unified Development Ordinance*, incorporating revisions to Article 6, District Intensity Standards; Article 10, Parking and Loading; and Article 16, Definitions.

Summary. The Planning Department, in conjunction with other departments and agencies, has begun discussions with community stakeholders and the development community regarding ways to achieve affordable housing. Regulatory mandates for affordable housing, commonly referred to as “inclusionary zoning,” are not an option in North Carolina; however, a county and city can use regulatory provisions that incentivize and/or aid the development of affordable housing units.

Two initial regulatory incentives the Planning Department has identified are 1) reducing the amount of parking required for affordable housing units; and 2) adjustments to the current affordable housing density bonus to increase its potential effectiveness. Reduced parking requirements can lower development costs and aid in increasing the potential for more dwelling units, while modification of the existing density bonus could provide a better incentive for affordable housing development by the private sector.

Attachments: **Attachment A:** An Ordinance to Amend the *Unified Development Ordinance* Regarding Affordable Housing Parking and Density Bonus (TC1500003)

Attachment B: Excerpt from *The High Cost of Minimum Parking Requirements*

Attachment C: Statement of Consistency Pursuant to NCGS § 153A-341

Attachment D: Planning Commission Comments

The Planning Commission recommended approval, 10-1, of the text amendment on June 9, 2015. The Planning Commission determined that the Ordinance request is consistent with the adopted *Comprehensive Plan* and that the request is reasonable and in the public interest based on comments received at the public hearing and the information in the staff report.

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: Aaron Cain, AICP, Planning Supervisor, Michael Stock, 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, adopt the appropriate Statement of Consistency and approve the amendment.

Attachments:

[Attachment A_BOC8-3-15 TC150003FINAL.pdf](#)

[Attachment B Excerpt from The High Cost of Minimum Parking Requirements.](#)

[Attachment C TC150003_BOC Consistency statement.pdf](#)

[Attachment D TC150003 Planning Commission Written Comments.pdf](#)

[BOC8-10-15MemoAH Parking-DensityBonus_final.pdf](#)

15-596

Public Hearing - Unified Development Ordinance Text Amendment, Riparian Buffer Setback and Lot of Record (TC1500004)

Agenda Text:

The Board is requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Riparian Buffer Setback and Lot of Record (TC1500004); and

First Motion: To adopt the appropriate Statement of Consistency pursuant to NCGS §153A-341; and

Second Motion: To adopt an ordinance amending the *Unified Development Ordinance*, incorporating revisions to Article 8, Environmental Protection; and Article 16, Definitions.

Summary. The Planning Department initiates annual review of requested technical and other minor changes to the Unified Development Ordinance (UDO). However, staff has identified two technical changes that should be

considered ahead of the more expansive list currently under review. The first change involves encroachment into the ten-foot setback from riparian buffers, and the second change involves the definition of “lot of record.”

Attachments: Attachment A: An Ordinance to Amend the *Unified Development Ordinance* Regarding the Riparian Buffer Setback and Definitions Associated with “Lot of Record” (TC1500004)
Attachment B: Statement of Consistency Pursuant to NCGS § 153A-341
Attachment C: Planning Commission Comments

The Planning Commission recommended approval, 11-0, of the text amendment on June 9, 2015. The Planning Commission determined that the Ordinance request is consistent with the adopted *Comprehensive Plan* and that the request is reasonable and in the public interest based on comments received at the public hearing and the information in the staff report.

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: Michael Stock, 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, adopt the appropriate Statement of Consistency and approve the amendment.

Attachments: [Attachment A_TC150004_BOC8-10-15.pdf](#)
[Attachment B_TC1500004_BOC_Consistency statement.pdf](#)
[Attachment C_TC1500004_Planning Commission Written Comments.pdf](#)
[BOC8-10-15Memo_TC1500004_final.pdf](#)

15-615 Public Hearing - M1500001 Wetrock Farm

Agenda Text: The Board is requested to conduct a quasi-judicial public hearing on a request to construct a community water and wastewater facility as part of the ‘Wetrock Farm’ conservation subdivision.

Attachment 1, Context Map
Attachment 2, Aerial Map
Attachment 3, Application
Attachment 4, Response to Additional Findings
Attachment 5, Supplemental Information
Attachment 6, Site Plan

Attachment 7, Draft Order

Alignment with Strategic Plan: Staff finds the request to align with Goal Four, “Environmental Stewardship” of the strategic plan. The proposed utilities will service a proposed conservation subdivision which is intended to conserve agricultural land, forests, and floodplains, and wetlands.

Resource Persons: Patrick O. Young, AICP, City-County Assistant Planning Director

County Manager’s Recommendation: The Manager recommends that the Board conduct a quasi-judicial public hearing to determine whether or not the request meets the required findings of fact and issue an Order to support the determination.

Attachments:

[M1500001 report.docx](#)

[Attachment 1 - Context10aug13.pdf](#)

[Attachment 2 - Aerial.pdf](#)

[Attachment 3 - Application.pdf](#)

[Attachment 4 - Additional Findings.pdf](#)

[Attachment 5 - Supplemental Information.pdf](#)

[Attachment 6 - Site Plan.pdf](#)

[Attachment 7 - Order.docx](#)

15-616

Major Site Plan - D1400365 Wetrock Conservation Subdivision

Agenda Text:

The Board is requested to approve a Major Site Plan for a 143 unit conservation subdivision zoned Rural Residential (RR) and Lake Michie/Little River Critical Area (M/LR-A).

A Major Site Plan is required due to a Major Special Use Permit which is required for the subdivision to utilize community wells and wastewater disposal (UDO Section 3.7.3.B.2.c and 12.7.1.C)

Staff Determination: Staff has determined that the site plan meets all provisions and requirements of the Unified Development Ordinance and recommends that the board approve the major site plan if the major special use permit is granted.

ATTACHMENTS

Attachment 1, Context Map (1 page)

Attachment 2, No Practical Alternatives Authorization (NPAAs)

Attachment 3, USDA Farm Numbers

Attachment 4, Major Site Plan (Wetrock Conservation Subdivision)

Alignment with Strategic Plan: Staff finds the request to align with Goal Four, “Environmental Stewardship” of the strategic plan. The subdivision will conserve agricultural land, forests, and floodplain.

Resource Persons: Patrick O. Young, AICP, City-County Assistant Planning Director

County Manager's Recommendation: The County Manager recommends that the Board consider the application and if appropriate approve the Major Site Plan for a 143 unit conservation subdivision zoned Rural Residential (RR) and Lake Michie/Little River Critical Area (M/LR-A).

Attachments: [D1400365 Wetrock Subdivision \(Major Site Plan Staff Report\).docx](#)
[Attachment 1 Context Map-Site Plan.pdf](#)
[Attachment 2 NPAs and exhibits.pdf](#)
[Attachment 3 USDA Farm Documents.pdf](#)
[Attachment 4 D1400365 Wetrock Site Plan 7.28.pdf](#)

6. ITEMS PULLED FROM CONSENT AGENDA (20 min)

7. Adjournment