

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

Monday, September 24, 2012

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 P.M. 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 on Cable TV Channel 8 at 8:30 a.m. and 12 noon on Mondays; and 8:30 a.m., 12 noon and 6:30 pm on Tuesday–Sundays. 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@durhamcountync.gov for more information. Please note that all City and County taxes must be current at the time of application.
4. **Minutes** (5 min)
 - a. September 4, 2012 Worksession
 - b. September 10, 2012 Regular Session

5. Resolution Declaring October 2012 as Big Sweep Month in Durham County (5 min)

- 1) The Board is requested to adopt the attached Resolution declaring October 2012 as the 2012 Big Sweep Month in Durham County.
- 2) The NC BIG SWEEP clean up event is coordinated each year by the Durham Soil and Water Conservation District, in partnership with Keep Durham Beautiful, Inc., and the City of Durham's Stormwater Services Division. Further support is supplied by Durham County General Services and the City of Durham Solid Waste Department. Each year over 300 volunteers clean up several thousand pounds of trash in Durham County. October 6, 2012 is the official NC BIG SWEEP day across the state, but cleanups in Durham County are organized throughout the months of September and October. Citizens are encouraged to do their part to restore the beauty and function of our lakes, streams and landscapes by volunteering to participate in the 2012 Big Sweep event.

Resource Persons: Jennifer Brooks, Soil Conservationist/Education Coordinator

County Manager's Recommendation: The County Manager recommends that the Board recognize and adopt the Resolution declaring October 2012 as Big Sweep Month in Durham County.

6. Proclamation to Recognize Minority Enterprise Development Week October 1 – October 5, 2012 (5 min)

- 1) On January 14, 2008, The Board of County Commissioners approved an ordinance to continue the County's Minority/Women Business Enterprise Program. As a part of the program promotion and continued efforts to enhance participation in governmental contract awards to minority and women businesses, it is hereby requested that October 1 through October 5, 2012, be recognized as Minority Enterprise Development Week in the County of Durham, North Carolina.
- 2) Local and National Minority Enterprise Development programs provide assistance to minority and women groups who own or wish to start or expand their own businesses.

Resource Person(s): Pamela Gales, CLGPO, CCA, Assistant Purchasing Manager

County Manager's Recommendation: The Manager recommends that the Board approve the Resolution and recognize October 1 through October 5, 2012 as Minority Enterprise Development Week in Durham County.

7. Consent Agenda (15 min)

- a. Adopt the updated Durham County Hazard Mitigation Plan (HMP) it by resolution in accordance with Federal regulations for hazard mitigation and disaster recovery funding;

- b. Approve the ABC Board's travel policy for 2012;
- c. Approve the Project Manual Resolution; and approve the Grant Project Ordinance and Language Access Plan;
- d. Approve the creation of one (1) Community Health Assistant FTE, increasing the total number of FTEs in the Durham Diabetes Coalition Project from seven (7) to eight (8) FTEs;
- e. Approve Budget Ordinance Amendment 13BCC000017 and increase the budget for Coordinated Transportation by \$1,690;
- f. Approve Budget Ordinance Amendment 13BCC000018 to amend the budget as indicated to increase the budget for Coordinated Transportation by \$ 8,318;
- g. Approve the transfer of assets and the Budget Ordinance Amendment 13BCC000019 to transfer the balance of the start-up funds and authorize the Manager to execute the required documents;
- h. Budget Ordinance Amendment No. 13BCC000020 Public Health: Recognize Funds in the Amount of \$5,218 from the NC Division of Public Health, Nutrition Services Branch for the Environmental Health Division;
- i. Budget Ordinance Amendment No. 13BCC000021 Public Health: Recognize Funds in the Amount of \$1525 from the NC Department of Health and Human Services for the Nutrition Division;
- j. Approve Budget Ordinance Amendment No. 13BCC000022 in the amount of \$24,338 from the NC Department of Health & Human Services for the TB Control Program;
- k. Approve Budget Ordinance Amendment No. 13BCC000023 in the amount of \$41,500 from the NC Department of Human Services, Division of Public Health for the Health Education Division;
- l. Approve Budget Ordinance Amendment No. 13BCC000024 in the amount of \$212,132 from the NC Department of Public Safety for Treatment of Effective Community Supervision, and for the creation of 3 provisional FTEs and extension of a provisional position that was previously scheduled to be eliminated on September 30, 2012;
- m. Approve Budget Ordinance Amendment No. 13BCC000025 amending the budgets for the outstanding encumbrances at fiscal year-end 2012;
- n. Approve Budget Ordinance Amendment No. 13BCC000026 in the amount of \$179,800 from the US Department of Justice for promoting evidence integration in sex offender management and for the creation of a provisional 0.4 FTE for the duration of the grant;

- o. Authorize the execution of a contract with Heery to provide the Construction Administration Services for the Durham County Performance Contracting program in the amount of \$78,375.00 plus reimbursable expenses in the amount of \$3,790.00, thus totaling \$82,165.00.

8. Public Hearing - Unified Development Ordinance (UDO) Text Amendment – Signs (TC1100009) (15 min)

- 1) The Board is requested to conduct a public hearing and receive public comments on the Unified Development Ordinance (UDO) Text Amendment – Signs (TC1100009); and
- 2) Adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 2, Review Authority; Article 3, Applications and Permits; Article 6, District Intensity Standards; Article 11, Sign Standards; and Article 16, Definitions.
- 3) Notifications have been made in accordance with both UDO and state statute requirements.
- 4) Attachments:

Attachment A, An Ordinance to Amend Provisions of the Unified Development Ordinance Regarding Signs (TC1100009), Mark-up Version;

Attachment B, An Ordinance to Amend Provisions of the Unified Development Ordinance Regarding Signs (TC1100009), Clean Version;

Attachment C, Planning Commission Comments;

Attachment D, Text Amendment Application Submitted by HadenStanziale, and Supplemental Request Submitted by Charles Kaighn.

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 UDO text amendment and, if appropriate based on the comments received during the hearing, approve the amendment.

9. Public Hearing - Unified Development Ordinance (UDO) Text Amendment – Technical Changes VII (TC1200001) (15 min)

- 1) The Board is requested to conduct a public hearing and receive public comments on the Unified Development Ordinance (UDO) Text Amendment – Technical Changes VII (TC1200001); and

2) 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, Off-Street Parking and Loading; Article 12, Infrastructure and Public Improvements; Article 13, Additional Requirements for Subdivisions; and Article 16, Definitions.

3) Notifications have been made in accordance with both UDO and State statute requirements.

4) Attachments:

Attachment A, An Ordinance to Amend Provisions of the Unified Development Ordinance (TC1200001), Mark-up Version;

Attachment B, An Ordinance to Amend Provisions of the Unified Development Ordinance (TC1200001), Clean Version;

Attachment C, July 10, 2012 Planning Commission comments

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 UDO text amendment and, if appropriate based on the comments received during the hearing, approve the amendment.

10. Required Public Hearing for CDBG Funds Application to State (15 min)

1) The Board is required to hold a (second) public hearing prior to applying to the North Carolina Department of Commerce for Small Cities Community Development Block Grant (CDBG) funds. The first public hearing, held on to August 13, 2012, was to explain the funding categories of the 2012 CDBG Program and to allow the citizens of the County an opportunity to express their views concerning community development needs and priorities. The purpose of this public hearing is to explain the Infrastructure Contingency application Durham County plans to submit (to help fund a solution to the Rougemont groundwater pollution problem) and to allow the citizens of the County an opportunity to express their views concerning community development needs and priorities.

Resource Persons: Drew Cummings, Assistant County Manager; Warren Wooten, Community Development Project Coordinator (The Wooten Company)

County Manager's Recommendation: The County Manager recommends that the Board hold a public hearing; and approve the submittal of the aforementioned application and authorize the Chairman and Manager to sign all grant related documents.

11. Board Appointments (10 min)

- 1) Michelle Parker-Evans, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards and commissions:
 - a. Community Child Protection Team/Child Fatality
 - b. Historic Preservation Commission
 - c. Operation Breakthrough
 - d. Memorial Stadium Authority
 - e. Nursing Home Community Advisory Committee
 - f. Workforce Development Board

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/commissions.

12. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA (20 min)

13. Closed Session (45 min)

- 1) The Board is requested to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.

County Manager's Recommendation: The County Manager recommends that the Board adjourn to closed session and provide direction to staff, if needed.