



# Durham County

200 E. Main Street  
Durham, NC 27701  
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## Meeting Agenda Board of County Commissioners

*Wendy Jacobs, Chair*  
*James Hill, Vice Chair*  
*Heidi Carter, Commissioner*  
*Brenda A. Howerton, Commissioner*  
*Ellen W. Reckhow, Commissioner*

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Monday, August 7, 2017

9:00 AM

Commissioners' Chambers

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### Worksession

#### "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 Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair 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.

#### 9:00 am Worksession Agenda

##### 1. Citizen Comments

[17-0351](#)

##### Citizen Comments - 30 min

Agenda Text:

The Board of County Commissioners will provide a 30-minute comment period at a meeting once a month. Any citizen of Durham County wishing to speak shall have an opportunity to do so. The Board may direct staff to research and reply to the concerns, if appropriate. Speakers must sign in prior to the start of the meeting providing a mail/email address and telephone number so that staff may reply to comments and/or questions. Citizens who request an immediate response from the Board are encouraged to submit a brief description of the issue to the Clerk to the Board two weeks prior to the meeting to allow an opportunity for research prior to the meeting. **All speakers shall have three (3) minutes to speak and are requested to refrain from addressing issues related to personnel matters.**

**Alignment with Strategic Plan:** Citizen engagement aligns with all five of the strategic goals by allowing the Board to receive comments and concerns from the community related to important issues in Durham County.

**Resource Persons:** V. Michelle Parker-Evans, County Clerk to the Board

**County Manager's Recommendation:** The County Manager recommends that the Board receive citizen comments and direct staff to respond, as deemed appropriate.

## 2. Discussion Items:

### [17-0355](#)

#### **Removal of Citizen Board Members Due to Poor Attendance - 5 min**

**Agenda Text:**

The Board is requested to remove the following members from the Farmland Protection Advisory Board in keeping with the Attendance Policy approved by the Board of County Commissioners in August, 2014. "If an appointee has absences (excused or unexcused) which constitute more than 50% of the meetings in any calendar year or three (3) consecutive unexcused absences or five (5) consecutive excused absences in any calendar year, he or she is obligated to resign."

- Beecher Gus Gray
- Demetrius Thompson

The Clerk's Office was notified by the Farmland Protection Advisory Board of the absences and has attempted to contact the board members. There has been no response.

**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 Persons:** V. Michelle Parker-Evans, County Clerk to the Board of Commissioners

**County Manager's Recommendation:** The County Manager recommends that the Board suspend the rules and take action to remove the above listed individuals from the Farmland Protection Advisory Board.

### [17-0213](#)

#### **Introduction of Andre Pettigrew, New Director of the Office of Economic and Workforce Development - 15 min**

**Agenda Text:**

The Board is requested to welcome Andre Pettigrew, the City's new Director of the Office of Economic and Workforce Development (OEWD) who, as part of that role, is also Executive Director of the Durham Workforce Development Board (DWDB).

While Commissioners had expected a fuller update, the leadership transition at OEWD is requiring a delay. Staff believe that an introduction and brief conversation about the future efforts of OEWD and the DWDB will serve best until a broader presentation and broader engagement is possible.

**Alignment with Strategic Plan:** The Durham Workforce Development Board's vision is to help create "a competitive workforce system that consistently meets the needs of Durham businesses, jobseekers, and youth." This vision aligns strongly with Goals 1 and 4 of the County's Strategic Plan.

**Resource Persons:** Andre Pettigrew, Director (OEWD)

**County Manager's Recommendation:** The County Manager recommends that the Board welcome Andre Pettigrew, the City's new Director of the Office of Economic and Workforce Development who, as part of that role, is also Executive Director of the Durham Workforce Development Board (DWDB).

**Attachments:** [AAF Supplemental Document for 8-7-17](#)

**17-0357** **Unified Development Ordinance Text Amendment, Signs (TC1700002) - 45 min**

**Agenda Text:** The Board is requested to receive a presentation on the *Unified Development Ordinance* Text Amendment, Signs (TC1700002)

**Summary.** Text amendment TC1700002 is initiated by the Planning Department to revise the current signage regulations within Article 11, Sign Standards, primarily to conform to the United States Supreme Court ruling in *Reed v. Town of Gilbert*, along with any other updates necessary to conform to other applicable state or federal law. CodeWright Planners, LLC, along with the Brough Law Firm, have been contracted to lead this effort. At this time, CodeWright will be presenting an introduction to the project and a cursory assessment of the current code.

Attachment:

**Attachment A:** Presentation by CodeWright Planners, LLC

**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 Patrick Young, AICP, Planning Director

**County Manager's Recommendation:** The County Manager recommends that the Board receive the presentation on the proposed *Unified Development Ordinance* text amendment and, if appropriate, provide comment.

**Attachments:** [BOCCWSMemo TC1700002 final](#)  
[Attachment A Code Assessment Presentation 8-7-17 final](#)

**17-0356** **Urban Open Space Plan - 30 min**

**Agenda Text:** The Board is requested to receive a presentation and provide comments on the draft Urban Open Space Plan.

**Summary.** The *Durham Comprehensive Plan*, through its adopted Policy 7.2.2f, Urban Open Space Plan, directs that open space plans be developed for the Downtown, Urban, and Compact Neighborhood Tiers. This draft Urban Open Space Plan categorizes the many different types and purposes of open space, and provides recommendations to create and preserve open space areas through a variety of tools and resources.

Attachments:

**Attachment 1:** Draft Urban Open Space Plan

**Attachment 2:** Planning Commission Written Comments

**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 4 by encouraging the preservation of open space and environmentally sensitive land.

**Resource Persons:** Scott Whiteman, AICP, Planning Supervisor, and Patrick Young, AICP, Planning Director

**County Manager's Recommendation:** The County Manager recommends that the Board receive a presentation on the draft Urban Open Space Plan.

**Attachments:**

[A1.UOSP\\_030217](#)

[A2.Planning Commission Written Comments](#)

[UOSP\\_BOC Presentation](#)

[USOP\\_BOCCWS\\_Memo](#)

[BOC\\_CoverSheetUSOP](#)

**17-0358**

**Unified Development Ordinance Text Amendment, Updates to Design District Zoning Regulations (TC1400003) - 45 min**

**Agenda Text:**

The Board is requested to receive a presentation on the *Unified Development Ordinance Text Amendment, Updates to Design District Zoning Regulations (TC1400003)*.

**Summary.** Text amendment TC1400003 is a set of amendments to the Unified Development Ordinance (UDO) to update, clarify, and re-organize standards associated with the Design District zoning districts. Staff will present information about this text amendment ahead of the Board of Commissioners' public hearing on August 14, 2017.

Attachments:

**Attachment A:** An Ordinance to Amend the Unified Development Ordinance Regarding Design Districts (TC1400003):

**Attachment A1:** New 16.1 Applicability and Uses

**Attachment A2:** New 16.2 Site Design

**Attachment A3:** New 16.3 Building Design

**Attachment A4:** New 16.4 Streetscape-Streets-Block Design

**Attachment A5:** New Article 17, Definitions

**Attachment A6:** Miscellaneous sections

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

**Attachment C:** Planning Commission Comments

**Attachment D:** Presentation

**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 Patrick Young, AICP, 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:**

[BOCWS TC1400003Memo final](#)

[BOCC Attachment A Ordinance Coversheet](#)

[BOCC Attachment A1 Ordinance New 16.1 Applicability and Uses final](#)

[BOCC Attachment A2 Ordinance New 16.2 Site Design final](#)

[BOCC Attachment A3 Ordinance New 16.3 Building Design final](#)

[BOCC Attachment A4 Ordinance New 16.4 Streetscape-Streets-Blocks final](#)

[BOCC Attachment A5 Ordinance Defined Terms final](#)

[BOCC Attachment A6 Ordinance Misc sections final](#)

[Attachment B TC1400003\\_BOC\\_Consistency statement](#)

[Attachment C Planning Commission Comments](#)

[Attachment D Presentation TC1400003 BOCWS8-7-17](#)

**17-0340**

**Contract Security Services - 30 min**

**Agenda Text:**

The Board is requested to receive the proposed Nighthawk Security contract for \$1,619,376.50 to provide uniformed contract security interior and exterior posts and patrols for thirty-six (36) Durham County facilities and parking lots. And provide any applicable guidance.

After an RFP process, the proposed security contracts were evaluated by a panel to include seven (7) members representing six (6) user departments. The panel met with each of the three bidding companies to discuss their proposals. After the conclusion of the interviews the panel scored each company based on six (6) critical areas - Site Supervisor selection, Overall bid cost, the pay/benefits offered to officers to ensure that a living wage was provided, the ability to back-fill officers as needed (depth), the management team, and the previous scoring from the bid reviews conducted on 13 June. Based on this criteria (see

the final score spreadsheet), the responsiveness of the vendors to our questions, and our perceptions of their embracing of Durham County values and commitment to customer service, Nighthawk Security was selected as the vendor of choice for this contract.

In review of the MWBE compliance for RFP 17-026 Durham County Security Services, Night Hawk Security and Consulting is a MWBE certified Black-American Firm and will be utilizing 100% MWBE participation on this project.

**Alignment with Strategic Plan:** Allow for uniformed security services for 36 County properties in support of Goal 3 - Safe and Secure Community

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

**County Manager's Recommendation:** The County Manager recommends that the Board receive the proposed Nighthawk Security contract for \$1,619,376.50 to provide uniformed contract security interior and exterior posts and patrols for thirty-six (36) Durham County facilities and parking lots and provide any applicable guidance; and suspend the rules to authorize the County Manager to execute a contract between Nighthawk Security and the County effective August 8, 2017.

**Attachments:**

[RFP 17-026 Security Services for Durham County](#)

[RFP 17-026 Addendum 1 Durham County Security Services](#)

[Proposal Review Summary \(names redacted\)](#)

[Security Services Final Scores \(names redacted\)](#)

[Nighthawk Posts and Hours Revised 07192017](#)

[Nighthawk- Service Contract with SOS FY18](#)

[Security Services Contract AAF Supplemental Document FY18](#)

**17-0368**

**Ordinance to Allow the Sale of Alcoholic Beverages Before Noon on Sundays at Licensed Premises - 10 min**

**Agenda Text:**

The Board is requested to discuss NC General Statute 160A-205.3, enacted on June 30, 2017, authorizes local governments to adopt an ordinance allowing the sale and consumption of alcoholic beverages on licensed premises beginning at 10 a.m. on Sundays. Before enactment of this statute, state law prohibited the sale and consumption of such beverages prior to noon on Sundays. An amendment to County ordinance is required to allow local businesses that are licensed to sell such beverages, to start selling two hours earlier on Sundays.

**Alignment with Strategic Plan:** Goal 5 - Accountable, Efficient and Visionary Government

**Resource Persons:** Lowell L. Siler, County Attorney

**County Manager's Recommendation:** The County Manager recommends that the Board suspend the rules to adopt the ordinance allowing the sale of alcoholic

beverages on licensed premises within County limits at 10:00 a.m. on Sundays.

**Attachments:** [ORDINANCE re sunday alcohol sales \(county\)](#)  
[NCGS 160A-205.3](#)

### **17-0370** **BOCC Authority over the Local ABC Board - 30 min**

**Agenda Text:** The Board is requested to discuss the Board's authority over the local ABC Board as governed by NCGS § 18B-700. The Alcoholic Beverage Control Board (ABC) is appointed by the County Commissioners as policy makers for ABC stores and ABC Law Enforcement. The ABC Board controls the operation and management of the ABC stores and performs any other activities authorized or required by ABC Law.

**Alignment with Strategic Plan:** Goal 5 - Accountable, Efficient and Visionary Government

**Resource Persons:** Lowell L. Siler, County Attorney

**County Manager's Recommendation:** The County Manager recommends that the Board discuss the Board's authority over the local ABC Board.

**Attachments:** [NCGS 18B-700](#)

### **17-0361** **Commissioner Comments - 15 min**

**Agenda Text:** The Board is requested to allow each Commissioner three minutes to report on conferences or make comments regarding issues that may be of interest or concern to the Board.

**Alignment with Strategic Plan:** Goal 5

**Resource Persons:** Board of County Commissioners

**County Manager's Recommendation:** The County Manager recommends that the Board allow comments from each commissioner and direct staff accordingly.

## **3. Closed Session**

### **17-0366** **Closed Session - 60 min**

**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 appointment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee pursuant to G.S. § 143-318.11(a)(6).

**Alignment with Strategic Plan:** Goal 5 - Accountable, Efficient and Visionary Government

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

#### **4. Adjournment**