



# Durham County

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

## Meeting Agenda Board of County Commissioners

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Monday, August 26, 2019

7:00 PM

Commissioners' Chambers

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### Regular Session

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

##### 19-0423 Closed Session

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; 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: This item aligns with Strategic Plan Goal 5: Accountable, Efficient and Visionary Government.

Resource Persons: Monica W. Toomer, Clerk to the Board

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

#### **"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.

#### 7:00 pm Regular Session

1. Opening of Regular Session - Pledge of Allegiance (5 min)
2. Agenda Adjustments (5 min)
3. Announcements (5 min)

**19-0420 Announcements****Agenda Text:**

1. **2019 Men's Health Screening at Lincoln Community Health Center**  
-Residents are invited to receive free on-site health screenings for Colon Cancer, Prostate Cancer, Blood Pressure Checks, Diabetes, HIV/Hepatitis C testing and more.

No appointment is necessary. For more information, please visit [www.dukecancerinstitute.org/mens-health--screening](http://www.dukecancerinstitute.org/mens-health--screening) <<http://www.dukecancerinstitute.org/mens-health--screening>> or call 919-684-0409.

2. **Youth Ride for Free** - Youth between the ages of 13 to 18 can use a Youth GoPass to ride GoTriangle, GoRaleigh, GoCary or GoDurham buses for FREE!

For more information please visit [www.gotriangle.org/youthgopass](http://www.gotriangle.org/youthgopass) <<http://www.gotriangle.org/youthgopass>>

3. **Central Piedmont Community Action Presents The 3rd Annual CSBG Family Fun Day** - You are invited to attend Family Fun Day on October 26, 2019 from 11:00am - 3:00pm at 1007 Broad Street. This event is free and open to the public. For more information please contact Allexus Porter at 919-797-0888 or by email at [allexusp@cpcanc.org](mailto:allexusp@cpcanc.org) <<mailto:allexusp@cpcanc.org>>

**4. Minutes (5 min)****19-0418 Minutes**

**Attachments:** [Regular Session - June 24, 2019](#)  
[Regular Session - July 8, 2019](#)  
[Work Session - August 5, 2019](#)

**5. Ceremonial Items (10min)****19-0390 Proclamation - National Recovery Month 2019 (10min)**

**Agenda Text:** The Board is requested to issue a proclamation declaring September 2019 as National Recovery Month in Durham County.

The goal of the proclamation is to urge the residents of Durham County to celebrate the millions of Americans whose lives have been transformed through recovery. Since these successes often go unnoticed by the community, National Recovery Month

provides an opportunity for everyone to celebrate their accomplishments. National Recovery Month highlights the achievements of individuals who have re-claimed their lives through long-term recovery and honors the service providers that make recovery possible. Recovery Month also promotes the message that recovery is possible and encourages citizens to support the expansion and improved availability of effective prevention, treatment, and recovery services, consistent with this year's theme "Join the Voices for Recovery: Together We are Stronger."

**Alignment with Strategic Plan:** This agenda item aligns with Durham County's Strategic Plan Goal 2: Health and Well-Being for All, as well as Goal 3: Safe Community.

**Resource Persons:** Representatives from Durham County Criminal Justice Resource Center and Recovery Community of Durham

**County Manager's Recommendation:** The County Manager recommends that the Board issue a proclamation declaring September 2019 as National Recovery Month in Durham County.

**Attachments:** [Proclamation - National Recovery Month - August 2019](#)

## 6. Consent Agenda (15 min)

### [19-0382](#) **Property Tax Releases and Refunds for July 2019**

**Agenda Text:** The Board is requested to approve the Releases & Refunds for the month of July 2019.

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc. the attached report details releases and refunds for the month of July 2019.

Releases and Refunds for 2019 total \$33,382.17. Prior year's (2007-2018) releases and refunds for July 2019 are in the amount of \$86,394.13. The current year and prior year's releases and refunds amount to \$119,776.30.

**Alignment with Strategic Plan:** Goal 5, Accountable, Efficient, Visionary Government. To ensure the county complies with North Carolina General Statutes ensures we are accountable to our citizens. The Board of E&R ensures that we are accountable and efficient as tax revenues are impacted by the actions of this Board. The actions of the tax department and this Board impact all strategic goals due to the revenues needed.

**Resource Persons:** T. Dwane Brinson, Tax Administrator

**County Manager's Recommendation:** The County Manager recommends that the Board accept the property tax release and refund report for July 2019 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

**Attachments:**      [NCVTS June Refunds](#)  
[Releases and Refunds Backup Detail-July 2019-August 26, 2019](#)  
[Backup Tax Release and Refunds-July 2019-August 26, 2019\(2\)](#)

**19-0392**      **Request Refund of Overpayment of Excise Tax**

**Agenda Text:**      The Board is requested to refund the overpayment of excise tax to the Law Firm of Hankin & Pack PLLC. On August 2, 2019 a deed was electronically recorded in Durham County with excise tax paid in the amount of \$593.00. (see attached) This filing was duplicated and submitted erroneously by Hankin & Pack PLLC. Pursuant to N.C. General Statute, 105.228.37” 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 and must explain why the taxpayer believes a refund is due.” (see attached)

Before a tax is refunded, the taxpayer must record a new instrument reflecting the correct amount of tax due. (see Attached)

Pursuant to the request by Nick Bolling of Hankin & Pack PLLC, a refund in the amount of \$593.00 is requested due to the duplicate filing in the office of the Durham County Register of Deeds.

**Alignment with Strategic Plan:** Goal 5, Accountable, Efficient and Visionary Government. The refund is due pursuant to the statutory requirements.

**Resource Persons:** James T. Tabron, Assistant Register of Deeds.

**County Manager’s Recommendation:** The County Manager recommends that the Board refund the overpayment in the amount of \$593.00 to Hankin & Pack, PLLC

County Manager: \_\_\_\_\_

**Attachments:**      [Recorded Deed-Incorrectly-113 Crusaders](#)  
[Revenue Stamp Refund Hankin & Pack](#)  
[NC General Statute 105-228.37](#)  
[Recorded Deed Correct transfer \(2\)](#)

**19-0396**      **Capital Project Amendment No. 20CPA000002 for the Snow Hill Road Pump Station and Force Main Replacement Project and Execution of Contract for Phase 1: Pre-Construction Scope of Services for the Snow Hill Road Pump Station and Force Main Replacement Project**

**Agenda Text:**      The Board is requested to approve Capital Project Ordinance Amendment No. 20CPA000002 appropriating authorized Limited Obligation Bond (LOBs) funds of

\$12,685,000 to create a new Capital project for design and construction of the Snow Hill Road Pump Station and Force Main Replacement Project and to authorize the County Manager to execute a contract with Wharton-Smith, Inc. to provide Pre-Construction Services for the Snow Hill Road Pump Station and Force Main Replacement Project, located in the Treyburn business district for a fee \$1,899,449.90. The total including architectural/engineering fees, reimbursables and contingency fees not to exceed the budget of \$12,685,000.00.

General Fund dollars will fund purchases made before Limited Obligation Bond (LOBs) funds are available through an interfund loan of that amount and will be reimbursed/repaid once the loan funds become available (estimated November 2020).

The Snow Hill Road Pump Station (SHRPS) was identified as a limiting factor in growth in the Treyburn business district in 2013. Although the SHRPS was upgraded in 2015, the pump station is no longer capable of being upgraded to sufficiently convey wastewater from the Treyburn business district and must be replaced with a larger station and separate force main. Multiple industries within the Treyburn area are in design or construction for expansions of their current facilities; therefore, economic development and job creation will be halted until the SHRPS is complete.

Durham County Engineering is using the Design-Build (DB) Contracting delivery method on this project in order to expedite the delivery to meet the deadlines of the manufacturing companies targeting connectivity to this system as part of our economic development initiatives. In 2013, the General Assembly enacted legislation authorizing three new contracting methods for public construction projects: design-build (DB), design-build bridging (DBB) and public private partnerships (P3). G.S. 143-128.1A is being followed for the procurement requirements associated with this project. In response to RFQ #19-036 for Progressive Design Build Services for the Snow Hill Pump Station and Force Main Replacement, (2) Statement of Qualifications were received with the team of Wharton-Smith, Inc. and Hazen-Sawyer deemed the most qualified team for the project.

The project has been broken out in (2) phases. Phase I of which we are requesting approval is for the lift station and gravity sewer detailed design, field evaluations, permitting/encroachment and associated preliminary activities i.e. flow projections, pump station siting, right-of-way analysis, surveying, subsurface utility surveys, geotechnical services and etc. Phase II of which we will be seeking BOCC approval at a later date will include the actual construction/implementation of the lift station improvements and force main replacement. For MWBE participation for this portion of the project. (see attachment).

**Alignment with Strategic Plan:** This action is in accordance with Durham County Strategic Plan Goal 4: “Environmental Stewardship and Community Prosperity,” as

this project will ensure a quality delivery of the Snow Hill Road Pump Station to promote economic development.

**Resource Persons:** Jay Gibson, PE, General Manager; Peri Manns, ASLA, Deputy Director of Engineering and Environmental Services and Vincent Chirichella, PE, Project Manager, Engineering Department.

**County Manager's Recommendation:** The County Manager recommends the Board approve Capital Project Amendment No. 20CPA000002 appropriating authorized Limited Obligation Bond (LOBs) funds of \$12,685,000 to create the Snow Hill Road Pump Station Improvement Project in the amount of \$12,685,000 and to authorize the County Manager to execute a contract with the team of Wharton-Smith, Inc./Hazen and Sawyer to provide Phase I Services for a fee of \$1,899,449.90 plus reimbursable expenses \$190,000, thus, the total project costs for architectural/engineering services, reimbursables and contingencies, not to exceed \$2,089,449.90.

General Fund dollars will fund purchases made before Limited Obligation Bond (LOBs) funds are available through an interfund loan of that amount and will be reimbursed/repaid once the loan funds become available (estimated November 2020).

**Attachments:** [190814 AAF Supplemental Document - Contract Approval - Snow Hill Road PS](#)  
[190702 RFQ 19-036R1 Interview Evaluation Summary](#)  
[CPA-02 Legal Form Snow Hill Road Pump Station \(\\$12.685.000\)](#)  
[MWBE Compliance Review Form-AAF for 19-036R1 RFQ 081519](#)  
[WS Scope of Work - Narrative SHRPS rev2 08-12-19 MWBE Breakouts](#)  
[SHRPS Scope Hazen Revised 08142019](#)

#### **19-0400 Settlement of 2018 Property Taxes and Charge of 2019 Property Taxes to the Tax Collector**

**Agenda Text:** The Board is requested approve the 2018 Tax Settlement and Charge the Tax Collector with the 2019 taxes.

As required by G.S. 105-373, the Tax Administrator is herewith submitting the settlement report of 2018 property taxes.

G.S. 105-373 (h) further authorizes the Board of County Commissioners to relieve the Tax Collector of the charges of taxes on classified motor vehicles that are one year or more past due.

Additionally, the General Statutes bar use of any remedies for collection enforcement that is not instituted within 10 years of said taxes becoming due.

Furthermore, pursuant to G.S. 105-321 (b), the Board of County Commissioners charges the Tax Collector with the 2019 Property Tax Receipts.

The Tax Administrator requests authorization to relieve charges of taxes that are beyond the statute of limitations of 10 years and those vehicles that are more than two (2) years past due. This request is consistent with last year's settlement, which was authorized by the Board.

**Alignment with Strategic Plan:** Goal 5, Accountable, Efficient, Visionary Government. To ensure the county complies with North Carolina General Statutes ensures we are accountable to our citizens. The actions of the tax department impact all strategic goals due to the revenues needed.

**Resource Persons:** T. Dwane Brinson, Tax Administrator

**County Manager's Recommendation:** The County Manager recommends that the Board receive and approve the 2018 Property Tax Settlement Report. Charge the Tax Collector with 2019 Property Taxes. Authorizes the relieving of taxes that are more than 10 years past due and motor vehicles taxes that are more than 2 years past due.

**Attachments:** [2018 Charge of Tax Collection final](#)  
[2018 County Settlement update](#)  
[Resolution Approving 2018-2019 submitted](#)

**19-0406** **Approve Fiscal Year 2019-2020 Contract with Greater Durham Chamber of Commerce for Services Related to Industrial Recruitment and Economic Development**

**Agenda Text:** The Board is requested to authorize the County Manager to execute the attached contract with the Greater Durham Chamber of Commerce for services related to industrial recruitment and economic development in the amount of \$265,000.

The Scope of Services has been updated and reorganized to reflect the major economic development responsibilities being carried out by the Chamber as well as additional ways to measure outcome metrics that are in alignment with the County's Strategic Plan. Additionally, the Scope of Services outlines considerations for work requirements as well as communications between the agencies. Funds were approved in the FY 2019-2020 Manger's Recommended Budget for this work equaling the proposed amount.

**Alignment with Strategic Plan:** This item aligns with Goal 4: Environmental Stewardship and Community Prosperity to promote and support the community and economic vitality for all residents.

**Resource Persons:** Andy Miracle, Economic Development Officer, Jay Gibson,

General Manager and Geoff Durham, President of Greater Durham Chamber of Commerce

**County Manager's Recommendation:** The County Manager recommends that the Board authorize the Manager to execute the attached contract with the Greater Durham Chamber of Commerce for services related to industrial recruitment and economic development-related services in the amount of \$265,000.

**Attachments:** [Chamber of Commerce - Service Contract 2019-2020](#)  
[Chamber of Commerce - 2019-2020 Scope of Services](#)  
[Chamber of Commerce - Proposed Budget 2019-2020](#)

**19-0407** **Approve of Fiscal Year 2019-2020 Contract with Downtown Durham, Inc. for Identified Downtown Economic Development and Business Support Services**

**Agenda Text:** The Board is requested to authorize the County Manager to execute the agreement in the amount of \$160,000 with Downtown Durham Inc. (DDI) for services relating to downtown area business support and economic development in FY 2019-2020.

The agreement and Scope of Services will continue the positive relationship between DDI and the County that has assisted in the ongoing redevelopment of downtown Durham and concurrent tax base growth. Funds for this agreement were approved as part of the FY 19-20 County Manager's budget. The attached Scope of Services outlines the major responsibilities, ways to measure outcomes and considerations for work requirements.

**Alignment with Strategic Plan:** This item aligns with Goal 4: Environmental Stewardship and Community Prosperity to promote and support the community and economic vitality for all residents

**Resource Persons:** Andy Miracle, Economic Development Officer; Jay Gibson, General Manager and Nicole Thompson, Director of Downtown Durham, Inc.

**County Manager's Recommendation:** The County Manager recommends that the Board authorize the County Manager to execute an agreement with Downtown Durham, Inc. in the amount of \$160,000 for services relating to downtown area business support and economic development.

**Attachments:** [Downtown Durham Inc - Service Contract FY 2019-2020](#)  
[Downtown Durham Inc - Scope of Services FY 2019-2020](#)  
[FY 2019-20 Request for Funding](#)

## 7. Public Hearings (20min)

**19-0395** **Compact Suburban Design (CSD) District Text Amendment (TC180009) (20min)**

**Agenda Text:** The Board is requested to conduct a public hearing and receive public comments on



the *Unified Development Ordinance* Text Amendment, Compact Suburban Design (CSD) District (TC1800009); 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 amend Article 4, Zoning Districts; Article 5, Use Regulations; Article 8, Environmental Protections; Article 9, Landscaping and Buffering; Article 10, Parking and Loading; Article 14, Nonconformities; and Article 16, Design Districts; and

**Third Motion:** To adopt a resolution designating the future street network for the Patterson Place Compact Neighborhood Tier.

**Summary.** The proposed text amendment (TC1800009) would incorporate standards for a new Compact Suburban Design (CSD) District into the Unified Development Ordinance.

Attachments:

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

**Attachment B:** Proposed Compact Suburban Design (CSD) District Text Amendment (TC1800009)

**Attachment C:** Supporting Map - Patterson Place CSD Sub-District Map

**Attachment D:** Resolution Designating the Patterson Place Future Street Network

**Attachment E:** Supporting Map - Patterson Place Future Transportation Network

**Attachment F:** Text Amendment Application for TC1800009

**Attachment G:** Supporting Map - Patterson Place Steep Slopes and TUA Map

**Attachment H:** GoTriangle Input Letter

**Attachment I:** Planning Commission comments

**Attachment J:** Durhill Property Transitional Use Area Exhibit

**Attachment K:** 2016 Patterson Place Compact Neighborhood Report

**Attachment L:** Patterson Place Zoning Implementation Report

**Alignment with Strategic Plan:** This project aligns with Goal 4 by balancing environmental protections and transit-oriented development potential.

**Resource Persons:** Lisa Miller, 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:**

[PP August 26 BOCC Memo rev](#)

[Attachment A - Text Amendment Statement of Consistency Pursuant to NCGS. §](#)

[Attachment B - Proposed Compact Suburban Design \(CSD\) District Text Amend](#)

[Attachment C - Supporting Map – Patterson Place CSD Sub-District Map](#)

[Attachment D - Resolution Designating the Patterson Place Future Street Netwo](#)

[Attachment E - Supporting Map – Patterson Place Future Transportation Netwo](#)

[Attachment F - Text Amendment Application for TC1800009](#)

[Attachment G - Supporting Map – Patterson Place Steep Slopes and TUA Map](#)

[Attachment H - GoTriangle](#)

[Attachment I - Planning Commission comments](#)

[Attachment J - Durhill Property Transitional Use Area Exhibit](#)

[Attachment K 2016 Patterson Place Compact Neighborhood Report](#)

[Attachment L Patterson Place Zoning Implementation Report](#)

## 8. Other Business (20min)

**19-0409**

**Durham Women’s Commission Presentation on Reproductive Rights (20min)**

**Agenda Text:**

The Board is requested to accept the verbal presentation from the Durham County Women’s Commission on Reproductive Rights/Healthcare Access.

**Alignment with Strategic Plan:** This item aligns with Goal 1: Community Empowerment and Enrichment.

**Resource Persons:** Vivian Slade, Chair of the Women’s Commission; Sara Bausch, Dr. Michelle Laws and Patti Black, Women’s Committee Members.

**County Manager’s Recommendation:** The County Manager recommends that the Board accept the verbal presentation from the Durham County’s Women’s Commission on Reproductive Rights/Healthcare Access.

## 9. Board and Commission Appointments (10 min)

**19-0408**

**Board and Commission Appointments (10min)**

**Agenda Text:**

Monica Toomer, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards:

- Adult Care Home Community Advisory Committee

- Bicycle and Pedestrian Advisory Commission
- Boxing and Wrestling Commission
- Durham City-County Appearance Commission
- Durham-Wake Counties Research and Production Service District

The Board of Commissioners recognizes the need to have a representative sample of the citizens of Durham County serve on boards, commissions, committees and authorities. No citizen may serve more than four consecutive terms for 2-year term boards; three consecutive terms for 3-year term boards; two consecutive terms for 4-year term boards; and one consecutive term for 5 and 6-year term boards in any one position, unless otherwise stated by statute; or there are no other applicants who meet the eligibility requirements. The Equalization and Review Board shall be exempt from these term limits.

**Alignment with Strategic Plan:** This item aligns with Goal 5 Accountable, Efficient and Visionary Government. 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:** Monica Toomer, 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 aforementioned Boards and Commissions.

**Attachments:** [26august19](#)

## 10. Items Pulled from the Consent Agenda (20 min)

## 11. Closed Session

### [19-0410](#) Closed Session

**Agenda Text:** The Board is requested to adjourn into Closed Session for the following:

- To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations pursuant to G.S. 143-318.11(a)(4)
- To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, pursuant to G.S. 143-318.11(a)(3)

**Alignment with Strategic Plan:** This item aligns with Goal 5: Accountable, Efficient

and Visionary Government

**Resource Persons:** Andrew Miracle, Economic Development Director; Drew Cummings, Chief of Staff

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

## 12. Adjournment