



# Durham County

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

## Meeting Agenda Board of County Commissioners

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Monday, March 26, 2018

7:00 PM

Commissioners' Chambers

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### Regular Session

### "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)

#### 8. Other Business

##### [18-0720](#)

#### STATE OF THE COUNTY ADDRESS

##### Agenda Text:

The Chair will address the County's accomplishments over the past year, its goals for the upcoming year, and challenges it continues to face.

Alignment with Strategic Plan: Accountable, Efficient and Visionary Government

Resource Persons: Wendy Jacobs, Chair

County Manager's Recommendation: The County Manager recommends that the Board highlight its accomplishments in the State of the County Address and direct staff accordingly.

##### Attachments:

[Durham State of the County 2018](#)

##### [18-0709](#)

#### Advance Public Comments on the Fiscal Year 2018-2019 Budget

##### Agenda Text:

The Board is requested to hold an Advance Public Comment session to receive citizen input on the Fiscal Year 2018-2019 Budget. As county staff begins preparation of the FY 2018-2019 budget, public input is being solicited on issues which may need to be addressed during the budget process.

The County Manager's Recommended FY 2018-2019 Budget will be presented to the Board of Commissioners on Monday, May 14, 2018, with individual budget work sessions with the BOCC to be scheduled for the period of May 21-June 14, 2018. Staff is polling for additional Worksession dates and times.

May 22 Worksession (10-3) tentative

May 24 Work session (9-3)

May 31 Work session (1-5)

June 4 Work session (1-4)

June 14 Work session (9-3)

There will also be a Public Hearing at the Commissioners' Regular Meeting on June 11 at 7:00 pm.

Final adoption of the FY 2018-2019 Budget Ordinance is scheduled for Monday, June 25, 2018.

Additionally, comments can also be e-mailed to [commissioners@dconc.gov](mailto:commissioners@dconc.gov).

**Alignment with Strategic Plan:** The Advance Public Comment session aligns with Goal 5: Accountable, Efficient and Visionary Government by soliciting citizen input to inform FY 2018-2019 budget priorities.

**Resource Persons:** Keith Lane, Director of Budget and Management Services

**County Manager's Recommendation:** The County Manager recommends that the Board hold an Advance Public Comment session on the Fiscal Year 2018-2019 Budget.

## 2. Agenda Adjustments (5 min)

## 3. Announcements (5 min)

### 18-0702

### Announcements

**Agenda Text:**

1. As the County is preparing for the Fiscal Year 2018-19 budget, public input is being solicited on issues which may need to be addressed during the budget process. Citizens can use the County's online Budget Comment Portal to leave comments and input about the FY 2018-19 budget process. The Budget Portal can be accessed at [dconc.gov/18-19budgetportal](http://dconc.gov/18-19budgetportal) <<http://dconc.gov/17-18budgetportal>>. Please let us know the priorities that you support for the FY 2018-19 budget.

## 4. Minutes (5 min)

### 18-0714

### Minutes

Attachments:      [Regular Session - February 26, 2018.doc](#)

## 5. Ceremonial Items

### [18-0692](#)      **Proclamation - National Service Recognition Day**

Agenda Text:      The Board is requested to proclaim April 3, 2018 as National Service Recognition Day. The Eagle Corps program at North Carolina Central University has joined with other AmeriCorps and Senior Corps serving programs in Durham County to celebrate its membership on Tuesday, April 3, 2018 at 11:30 am at the Parrish Street Forum, located at 108 W. Parrish Street. The proclamation will be officially presented on honor of the 6th Annual National Service Recognition Day during the event.

Americorps and Senior Corps solve some of the toughest community problems. The Corporation for National Community Service (CNCS) is America's leader in volunteering and service efforts. Through partnerships with schools, faith-based groups, non-profits, and local agencies, national service members are embedded within the communities they serve to make a tangible, lasting impact.

Alignment With Strategic Plan: This work crosses all goal areas to help build a stronger, safer, more prosperous community for all.

Resource Persons: Wendy Jacobs, Chair; Calleen Herbert, Program Director of Eagle Corps at NCCU

County Manager's Recommendation: The County Manager recommends that the Board proclaim April 3, 2018 as National Service Recognition Day and encourage the citizens to find opportunities to serve our community.

Attachments:      [Proclamation - National Service Recognition Day - 2018](#)

### [18-0728](#)      **Recognize Paramedic Corporal Chris Langdon with Emergency Medical Services for his Heroic Actions While Off Duty**

Agenda Text:      The Board is requested to recognize Paramedic Corporal Chris Langdon with Durham County Emergency Medical Services for his heroic actions while off-duty at the scene of a motor vehicle accident. On February 23, 2018, Paramedic Corporal Chris Langdon stopped at a motor vehicle accident while off-duty. He was able to provide valuable information about the conditions of the patients to the arriving units. During his triage of the victims, Corporal Langdon identified one individual had sustained a life-threatening amputation. He immediately retrieved and applied a tourniquet from his departmental issued ballistic vest. His knowledge and actions helped to save the patient's life. A member of the patient's family stated, "If it wasn't for that guy with the tourniquet she would have lost her life."

Corporal Langdon will receive the Durham County EMS Meritorious Intervention Commendation. Durham County EMS Meritorious Intervention Commendation is awarded to an individual who meritoriously intervenes in an emergency while off duty,

where the health, safety, and welfare of a citizen is at risk, providing emergency medical care or rescue services when under no employment obligation to do so, and where a higher-level medal is not appropriate.

Corporal Langdon is also assigned to the Durham Police Department's Biological and Chemical Emergency Response Team and is responsible for training new Durham County Paramedics and EMTs. Corporal Langdon is a valuable member of Durham County EMS and demonstrates the EMS core values of Safety, People, Patient Centered, Clinical Excellence, Leadership & Innovation, Collaboration, Pride & Unity, and Preparedness daily.

**Alignment With Strategic Plan:** This commendation aligns with Goal 3: Safe Community

**Resource Persons:** Rodney Medlin Interim Assistant Chief of Operations, Kevin Underhill, Interim EMS Director

**County Manager's Recommendation:** The County Manager recommends that the Board recognize Paramedic Corporal Chris Langdon with Durham County Emergency Medical Services for his heroic actions on Feb. 23, 2018 while off-duty.

**18-0646**

**Recognition that Bert White of Information Services and Technology Department has been recognized as the Help Desk Institutes (HDI) IT Analyst of the Year for the Triangle/Eastern North Carolina Region**

**Agenda Text:**

The Board is requested to recognize a recent award received by Bert White of Durham County's Information Services and Technology department.

The Help Desk Institute (HDI) annually awards local IT professionals for outstanding customer service.

In January, Bert White was recognized by the Helpdesk Institute (HDI) with the 2017 Analyst of the Year Award. Mr. White was one of six finalists to interview with a panel of judges who determined based on the interview that Mr. White was worthy of this recognition. This award is in recognition of Bert White's contribution to Durham County's ongoing work which represents a "culture" of excellence through technology governance and practices.

Your recognition of these achievements made by the entire staff of IS&T, and departmental partners is appreciated!

**Alignment with Strategic Plan:** Goal 5: Accountable, Efficient and Visionary Government by providing collaborative leadership, exceptional customer service, innovation, transparency and fiscal responsibility.

**Resource Persons:** Greg Marrow, Chief Information Officer

**County Manager's Recommendation:** The County Manager recommends that the Board recognize a recent award received by Bert White of Durham County's Information Services and Technology department.

**Attachments:**

[Bert White AAF Supplemental Document - Noncontract](#)

**6. Consent Agenda (15 min)**

**18-0687****Property Tax Releases and Refunds for February 2018****Agenda Text:**

The Board is requested to approve the Releases & Refunds for the month of February 2018. 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 February 2018.

Releases and Refunds for 2018 total \$16,263.89. Prior year's (2010-2017) releases and refunds for February 2018 are in the amount of \$35,023.78. The current year and prior year's releases and refunds amount to \$51,287.67.

**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:** Kimberly H. Simpson, Tax Administrator

**County Manager's Recommendation:** The County Manager recommends that the Board accept the property tax release and refund report for February 2018 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

**Attachments:**

[AAF-Releases & Refunds-February 2018-March 26, 2018.asd](#)

[Releases and Refunds Backup Detail-February 2018-March 26, 2018](#)

[Releases and Refunds Backup-February 2018-March 26, 2018](#)

[NCVTS Pending Refund report \(9\)](#)

**18-0701****Modification of that Deed of Trust from NRP Alston Village, LLC in favor of Durham County dated September 1, 2004****Agenda Text:**

The Board is requested to authorize execution of a Modification of Deed of Trust to correct a survey error that occurred in 2000. In 2000 NRP ALSTON VILLAGE, LLC acquired 41.5 acres of land from the Barbee family upon which Falls Point at the Park Apartments and other improvements were constructed. The project was constructed as low income housing and assisted by Durham County as the Lender. In actuality, Durham County participated as the Conduit Issuer of the project's tax exempt bonds and appears as the Lender on the Deed of Trust. The tax exempt bonds total \$21,820,000 dollars. Based on Agreements connected with this transaction, Durham County has no obligation to pay or collect the money due under this transaction.

At the time the property was surveyed (41.5 acres) to make this transaction possible, a mistake was made by the surveyor. The survey was supposed to include property

only owned by the Barbee family, but instead it also included a portion of 2.26 acres owned by Dr. Laila A. Moustafa. As a result a portion of the apartments were constructed on the Moustafa property. A portion of the Moustafa property is incorrectly included in the Deed of Trust which secures the overall transaction on which we are listed as the Lender.

In 2007 Dr. Moustafa with the assistance of Attorney Kenneth R. Embree commenced a law suit against NRP Alston Village, LLC and others to correct the problem and to make Dr. Moustafa whole. The law suit has been settled and the parties are in the final stages of signing the settlement agreement. Durham County needs to release the portion of property that was wrongfully included in the survey and thus appears in the Deed of Trust bearing our name. Counsel for Dr. Moustafa feels that this can best be accomplished by Durham County executing a Modification Deed of Trust. The Modification Deed of Trust description will include the portion constructed upon and release the remainder that was wrongfully included. Of course Dr. Moustafa will be compensated by NRP Alston Village, LLC for the property which was wrongfully included in the original survey. All that is required of Durham County is a signature on the Modification Deed of Trust.

The Board is requested to execute the Modification Deed of Trust.

**Alignment with Strategic Plan:** This action aligns with Goal 5: Accountable, Efficient and Visionary Government.

**Resource Persons:** Willie S. Darby, Senior Assistant County Attorney and Kenneth Embree, Attorney for Dr. Laila Moustafa.

**County Manager's Recommendation:** The County Manager recommends that the Board authorize execution of the Modification Deed of Trust.

**Attachments:** [MAP NRP ALSTON VILLAGE](#)  
[NRP ALSTON VILLAGE MODIFICATION DEED](#)  
[MOUSTAFA MAP](#)

## **18-0722**      **Resolution - Opposition to Offshore Exploration, Drilling and Seismic Activities**

**Agenda Text:** The Board is requested to approve a resolution in opposition to offshore exploration, drilling and seismic activities off the coast of North Carolina.

**Alignment with Strategic Plan:** Environmental Stewardship

**Resource Persons:** Wendy Jacobs, Chair

**County Manager's Recommendation:** The County Manager recommends that the Board approve the resolution.

**Attachments:** [Resolution - Offshore Drilling - 2018](#)

**18-0729****Appointment to Alliance Behavioral Healthcare Board of Directors****Agenda Text:**

The Board is requested to appoint David Curro to a position vacated by Amelia Thorpe as the Mental Health Consumer representative.

**Alignment With Strategic Plan:** Goal 2 - Health and Well-being for all

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

**County Manager's Recommendation:** The County Manager recommends that the Board appoint Davis Curro to fill the vacant seat on the Alliance Behavioral Healthcare Board of Directors.

**18-0741****Resolution - Support of Local Youth-Led Efforts Calling for State and National Action to Prevent Gun Violence in Schools and Communities Nationwide****Agenda Text:**

The Board is requested to adopt a resolution in support of local youth-led efforts calling for state and national action to prevent gun violence in schools and communities nationwide. The resolution is requested to be forwarded to the Durham Legislative Delegation as well as Senators and Congressmen.

**Alignment With Strategic Plan:** Goal 3 - Safe and Secure Community

**Resource Persons:** Wendy Jacobs, Chair

**County Manager's Recommendation:** The County Manager recommends that the Board approve the resolution as requested.

**Attachments:**

[Resolution - Support of Local Youth-Led Efforts to Prevent Gun Violence](#)

**7. Public Hearings****18-0706****Public Hearing, Zoning Map Change and Future Land Use Map Amendments - Long Beverage Expansion****Agenda Text:**

The Board is requested to conduct a public hearing and consider the following motions:

- 1) Adopt a resolution to amend the Future Land Use Map to establish the Industrial designation for the subject site; and
- 2) Adopt a Consistency Statement as required by NCGS 153A-341; and
- 3) Adopt an ordinance amending the Unified Development Ordinance to establish Industrial Light (IL) zoning for the subject site.

**Summary:** This is a request to change the Future Land Use Map from Office to Industrial and change the zoning atlas from Residential Rural (RR) to Industrial Light (IL). The subject site is located at 3723, 3805, 3809, 3815 Page Road. Staff determines that the zoning request is consistent with the *Comprehensive Plan* and applicable policies and ordinances.

The Planning Commission recommended approval, 13-0, on February 13, 2018.

**Alignment with Strategic Plan:** Review of applications for amendments to the official zoning map is aligned with Goal 5 of the County Strategic Plan: Accountable, Efficient, and Visionary Government by creating a sustainable land use pattern that supports the use of properties as provided by the Comprehensive Plan and other adopted ordinances.

**Resource Persons:** Jamie Sunyak, Senior Planner, and Patrick Young, AICP, Planning Director.

**County Manager's Recommendation:** The County Manager recommends that the Board conduct a public hearing and consider the two motions.

**Attachments:**

[Agenda Action Form Template Final](#)

[Zoning Staff Report Final](#)

[Attachment 1 - Context Map](#)

[Attachment 2 - Aerial Map](#)

[Attachment 3 - FLUM Map](#)

[Attachment 4 - Applications](#)

[Attachment 5 - Comp Plan Analysis](#)

[Attachment 6 - Summary of Impacts](#)

[Attachment 7 - BPAC Comments](#)

[Attachment 8 - PC Written Comments](#)

[Attachment 9 - Plan Amendment Resolution](#)

[Attachment 10 - Consistency statement](#)

[Attachment 11 - Zoning Ordinance](#)

[Attachment 12 - IL Permitted Use Table](#)

[BOCC Z1700037 presentation-FINAL](#)

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

### **18-0707**

### **Board and Commission Appointments**

**Agenda Text:**

Michelle Parker-Evans, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards:

- Nursing Home Community Advisory Committee

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:** 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

**County Manager's Recommendation:** The County Manager recommends that the Board of County Commissioners vote to appoint a member to the above-mentioned boards and commissions.

**Attachments:** [March 26, 2018](#)

## 9. ITEMS PULLED FROM CONSENT AGENDA (20 min)

## 10. Adjournment