



Durham County

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

Meeting Agenda Board of County Commissioners

Tuesday, May 28, 2019

7:00 PM

Commissioners' Chambers

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)
2. Agenda Adjustments (5 min)
3. Announcements (5 min)

[19-0265](#) Announcements

Agenda Text:

1. **Durham County Board of Elections to Conduct Educational Seminars on Voter Identification Requirement** - Educational Seminars about voter photo identification requirements will be held between May and August. All seminars are free, and the community is invited to attend the following dates:
 - North Regional Library - May 30th (6 - 8 p.m.)
 - South Regional Library - June 20th (6 - 8 p.m.)
 - East Regional Library - July 18th (6 - 8 p.m.)
 - Eno River Unitarian Universalist Fellowship - August 22nd (6 - 8 p.m.)

The following seminars will be presented in Spanish:

- Durham County Health and Human Service Building - July 23rd (10 a.m. - 12 p.m. and 4 p.m. - 6 p.m.)

For additional questions, please contact the Durham County Board of Elections by phone at 919-560-0070 or by email elections@dconc.gov <<mailto:elections@dconc.gov>>

- 2. Elderly/Disabled Property Tax Relief Deadline is June 1st** - Homeowners who are age 65 or older (or totally and permanently disabled) may qualify for significant property tax savings if their 2018 household income was no more than \$30,200.

Disabled Veteran Property Tax Relief Deadline is June 1st - Veterans who are totally and permanently disabled during their service, or their surviving spouses, may qualify for a \$45,000 reduction in their property tax assessment.

For more information, search “tax relief” on www.dconc.gov <<http://www.dconc.gov>> or call the tax office at 919-560-0300.

- 3. Your Input is Needed** - As the County prepares the FY19-20 budget, public comment is a vital component. Please let the Board of County Commissioners know the priorities you support by visiting the online Budget Comment Portal at www.dconc.gov/19-20budgetportal <<http://www.dconc.gov/19-20budgetportal>>

Please note that citizens are welcome to speak on budget items during the budget public hearing scheduled on June 10, 2019 at 7pm located at 200 E. Main Street (2nd Floor/Commissioners’ Chambers).

- 4. Alert Durham - Sign Up Today:** Durham County wants to keep its citizens informed and safe in the case of an emergency. Sign up for Alert Durham to receive notifications about severe weather, unexpected road closures, missing persons, and evacuations of buildings or neighborhoods. To sign up for Alert Durham, visit www.AlertDurham.com <<http://www.AlertDurham.com>>

4. Minutes (5 min)

19-0262

Minutes

Attachments:

[PAC-4 Meeting - February 9, 2019](#)

[PAC-2 Meeting - April 8, 2019](#)

[Regular Session - April 8, 2019](#)

[Regular Session - April 22, 2019](#)

5. Ceremonial Items (10min)**19-0269****Proclamation - Older Americans Month (10min)****Agenda Text:**

The Board is requested to acknowledge May 2019 as Older Americans Month. Each year, Older American Month is celebrated throughout the country in May. This month of acknowledgement raises the awareness of growing needs facing older Americans and their contributions to our county, state and nation. The aging population is the fastest growing population. Social Services continues to see growing needs within this population with strong limits on funding from the federal and state level. Social Services is an active partner in the development of a strategic aging plan for Durham County, and we celebrate our senior population for the worth and value they bring to our county.

Alignment with Strategic Plan: This proclamation aligns with Goal 2: Health and Well-being for All.

Resource Persons: Ben Rose, Director of the Department Social Services and Janeen S Gordon, Assistant Director, Aging and Adult Services for the Department of Social Services

County Manager's Recommendation: The County Manager recommends that the Board acknowledge May 2019 as Older Americans Month.

Attachments:

[Proclamation - Older Americans Month- 2019](#)

19-0285**Proclamation - Recognizing A'Meia Mitchell (10min)****Agenda Text:**

The Board is requested to issue a proclamation to recognize the life-saving actions of fourteen-year-old, A'Meia Mitchell on March 29, 2019.

Alignment with Strategic Plan: Goal 2- Health and Well-Being for All

Resource Persons: Kedrick Lowery, Gang Intervention/Violent Crime Prevention Program Manager; Keisha Gray, Interim Supervisor Bull City United

County Manager's Recommendation: The County Manager recommends that the Board issue a proclamation to recognize the life-saving actions of fourteen-year-old, A'Meia Mitchell.

Attachments:

[Proclamation - Recognizing A'Meia Mitchell- 2019](#)

6. Other Business (10min)**19-0264****Swearing in of the Durham County Clerk to the Board - Monica W. Toomer (10min)****Agenda Text:**

The Board is requested to swear in Monica W. Toomer, Clerk to the Board

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

and Visionary Government

Resource Persons: Wendy Jacobs, Chair, Board of County Commissioners

County Manager's Recommendation: The County Manager recommends that Monica W. Toomer is sworn in as the new Durham County Clerk to the Board.

7. Consent Agenda (15 min)

19-0239

Property Tax Releases and Refunds for April 2019

Agenda Text:

The Board is requested to approve the Releases & Refunds for the month of April 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 April 2019.

Releases and Refunds for 2019 total \$39,338.92. Prior year's releases and refunds for April 2019 are in the amount of \$29,670.80. The current year and prior year's releases and refunds amount to \$69,009.72.

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: Teresa Hairston, Interim Tax Administrator

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

Attachments:

[Backup-Tax Release and Refunds-April 2019-May 28, 2019](#)

[Releases and Refunds Backup Detail April 2019](#)

[NCVTS March Refunds](#)

19-0249

Adoption of Resolution related to Authorization of a Not to Exceed \$70,000,000 General Obligation (GO) Bond, Series 2019

Agenda Text:

The Board is requested to adopt the attached resolution (the "*Resolution*") which authorizes the issuance of a not to exceed \$70,000,000 General Obligation Bond (the "*Bond*"), issued pursuant to bond orders for community college, library, museum and school purposes adopted by the Board on August 8, 2016 and made effective on the affirmative vote of a majority of the qualified voters of the County as a referendum held on November 8, 2016. The Bond, which will be purchased by PNC Bank, National Association (the "*Purchaser*"), is short-term in nature and expected to be

taken out with long-term general obligation bonds before the end of the fiscal year ending June 30, 2022. In addition to authorizing the issuance of the Bond, the Resolution also authorizes the County to enter into the Bond Purchase and Advance Agreement to be dated as of June 12, 2019 among the County, the Purchaser and the Local Government Commission of North Carolina (the “LGC”), a copy of which is attached to the Resolution for the Board’s information, pursuant to which the LGC will sell the Bond to the Purchaser in accordance with the Local Government Bond Act.

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

Resource Persons: Susan F. Tezai, Chief Financial Officer

County Manager’s Recommendation: The County Manager recommends that the Board adopt the attached resolution and authorize the issuance of a not to exceed \$70,000,000 General Obligation Bond.

Attachments:

[AAF Supplemental Document - \\$70M Resolution](#)

[General Obligation Bond Resolution \(Short-Term\), Series 2019 - County of Durh](#)

[CHAR1 - 1658181v2 - Bond Purchase and Advance AgreementCounty of Durh](#)

19-0256

Administrative Interpretation of Falls/Jordan (F/J-A and F/J-B) Watershed Protection Overlay Districts

Agenda Text:

The Planning Department recommends that the Board of Commissioners approve the request to revise the F/J-A and F/J-B watershed protection overlay boundary line for the property located at 739 Baptist Road as shown on the survey (Attachment 4) and further depicted on the context map (Attachment 1).

Summary: Jacob Anderson has requested an administrative interpretation of the watershed overlay boundary for property located at 739 Baptist Road. Mr. Anderson specifically requests that the current boundary between the F/J-A and F/J-B be relocated as reflected on the attached survey (Attachment 4). The request includes a signed and sealed survey which shows the location of the normal pool for Falls Reservoir.

The North Carolina Administrative Code, in Rule 15A NCAC 02B.0104(o), requires that the EMC approve all expansions and deletions to Protected Area and Critical Area boundaries prior to adoption by the local government. The approval authority was delegated from EMC to the Division of Water Quality (DWQ) and then later transferred to the DEMLR. The DEMLR has reviewed and approved the proposed amendment to the F/J-A and F/J-B watershed protection overlay boundary (Attachment 5).

Attachments:

Attachment 1: Context Map

Attachment 2: Topographical Map

Attachment 3: Application

Attachment 4: Watershed Delineation Survey

Attachment 5: DEMLR/EMC Approval Letter

Motion: To approve the request to revise the F/J-A and F/J-B boundary line for property located at 739 Baptist Road as shown on the survey (Attachment 4) and further depicted on the context map (Attachment 1).

Alignment with Strategic Plan: This request aligns with Goal five of the County Strategic Plan: Accountable, Efficient, and Visionary Government. With the assistance of newer and more accurate technology, the watershed boundary can be correctly delineated.

Resource Persons: Grace Smith, Planning Supervisor, AICP, and Patrick Young, AICP, Planning Director.

County Manager's Recommendation: The County Manager recommends that the Board approve the request to revise the F/J-A and F/J-B boundary line for property located at 739 Baptist Road.

Attachments:

[BOCC Memo_PL1800002 updated](#)

[Attachment 1-Context Map](#)

[Attachment 2- PL1800002 TOPO](#)

[Attachment 3- Application](#)

[Attachment 4- Survey](#)

[Attachment 5- PL1800002 DEMLR approval](#)

[Watershed 739 Baptist BOCC](#)

19-0273

Appoint Voting Delegate - NACo Annual Conference and NCACC Annual Conference

Agenda Text:

The Board is requested to appoint Vice Chair James Hill, Jr. as the voting delegate and Commissioner Brenda Howerton as the alternate for the NACo Conference being held July 12 - 15, 2019 in Clark County.

The Board is also requested to appoint Commissioner Heidi Carter as the voting delegate for the NCACC Annual Conference being held on August 22-24, 2019 in Guilford County.

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

Resource Persons: Wendy Jacobs, Chair

County Manager's Recommendation: The County Manager recommends that the Board appoint Vice Chair James Hill, Jr. as the voting delegate and Commissioner Brenda Howerton as the alternate for the NACo Conference being held on July 12-15, 2019 in Clark County and appoint Commissioner Heidi Carter as voting delegate for the NCACC Annual Conference being held on August 22-24, 2019 in

Guilford County.

8. Public Hearings

19-0257

Rougemont Commercial

Agenda Text:

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

- 1) Adopt a Consistency Statement as required by NCGS 153A-341; and
- 2) Adopt an ordinance amending the Unified Development Ordinance by taking property out of the Commercial Neighborhood (CN), Residential Suburban-10 (RS-10), and Lake Michie/Little River District B Watershed Protection Overlay (M/LR-B) zoning districts and establishing the same as Commercial Neighborhood with a Text-Only Development Plan (CN(D)) and Lake Michie/Little River District B Watershed Protection Overlay (M/LR-B) zoning districts.

Summary: This is a request to change the zoning atlas for property located at 12907 and 12807 North Roxboro Road and 123 Bill Poole Road from Commercial Neighborhood (CN) and Residential Suburban-10 (RS-10) to Commercial Neighborhood with a Text-Only Development Plan (CN(D)). Staff determines that this request is consistent with the *Comprehensive Plan* and applicable policies and ordinances.

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: Emily Struthers, Senior Planner; 919.560.4137 x28263.

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

Attachments: [Staff Report REVISED 5 22 19](#)
 [Attachment 1 - Context Map](#)
 [Attachment 2 - Aerial Map](#)
 [Attachment 3 - FLUM](#)
 [Attachment 4 - Application](#)
 [Attachment 5 - List of CN permitted uses](#)
 [Attachment 6 - REVISED 5 22 19 Comp Plan Analysis](#)
 [Attachment 7 - CN Dimensional Standards](#)
 [Attachment 8 - REVISED 5 22 19 Summary of Impacts](#)
 [Attachment 9 - BPAC Comments](#)
 [Attachment 10 - PC Written Comments](#)
 [Attachment 11 - Consistency Statement](#)
 [Attachment 12 - Zoning Ordinance](#)
 [Z1800037 Rougemont Commercial Presentation - BOCC 2](#)

9. Board and Commission Appointments (10 min)

19-0263

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:

- Dangerous Dog Appeal Board
- Durham City-County Appearance Commission
- Durham Hospital Corporation Board of Trustees
- Memorial Stadium Authority
- Nursing Home Community Advisory Committee
- Public Health Board
- Women's Commission
- Workforce Development Board

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: [28may19](#)

10. ITEMS PULLED FROM CONSENT AGENDA (20 min)

11. Closed Session

19-0271

Closed Session

Agenda Text:

The Board is requested to adjourn to Closed Session 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).

Alignment with Strategic Plan: This item aligns with Strategic Goal 4: Environmental Stewardship and Economic Prosperity

Resource Persons: Andy Miracle, Economic Development Director

County Manager's Recommendation: The County Manager recommends that the Board go into Closed Session for Economic Development purposes.

12. Adjournment