

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

Monday, August 26, 2019

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Chambers, Second Floor, Durham County Government Administrative Complex, 200 East Main Street, Durham, North Carolina

Present: Chair Wendy Jacobs, Vice-Chair James Hill and Commissioners Heidi Carter, Brenda Howerton and Ellen Reckhow

Presider: Chair Wendy Jacobs

Closed Session – 5:00 PM

Chair Jacobs stated the Board requested to adjourn to Closed Session for the following:

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. General personnel policy issues may not be considered in a closed session per G.S.143-318.11(a)(6).

Commissioner Reckhow moved, seconded by Vice-Chair Hill to adjourn into Closed Session.

The motion carried unanimously.

Reconvene to Open Session

Chair Jacobs stated directions were given to staff.

Regular Session – 7:00 PM

Opening of Regular Session - Pledge of Allegiance

Agenda Adjustments

Chair Jacobs announced that there were no agenda adjustments.

Announcements

Chair Jacobs made a brief comment regarding the recent violence in the Durham community. She

acknowledged and thanked Keisha Gray, Outreach Coordinator, Bull City United for winning the Violence Interrupter of the Year national award from Cure Violence. Ms. Gray thanked the Board for the acknowledgment and spoke about the recent violent incidents that occurred in Durham, stating Bull City United was in contact with the family of Z'yon Person as well as other victims' families. She thanked Commissioner Howerton and Chair Jacobs for contacting and visiting families involved with the incidents. Ms. Gray added Bull City United continued to make a presence in the community and provided help where needed.

Torrey Green, Project Build Outreach stated the Durham community embraced Z'yon Person's family and provided resources. He added Project Build was planning to offer the Phoenix Curriculum in Durham Public Schools to replace violence with something positive for youth. Randy Trice, Project Build Gang Outreach stated he was working with the community, organizations and schools to get more youth involved with Project Build.

The Board thanked Ms. Gray, Mr. Trice, and Mr. Green for their hard work. They hoped the team would continue to grow and provide more services for Durham citizens.

Chair Jacobs read the following announcements:

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 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

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

Minutes

Commissioner Reckhow moved, seconded by Commissioner Howerton to approve the June 24th and July 8, 2019 Regular Session minutes and the August 5, 2019 Work Session minutes.

The motion carried unanimously.

Ceremonial Items

Proclamation – National Recovery Month 2019

Chair Jacobs read the following proclamation:

NATIONAL RECOVERY MONTH | 2019

WHEREAS, behavioral health is now recognized as an essential part of one's overall health and wellbeing; and

WHEREAS, the costs of not encouraging mental health and substance use recovery is significant for individuals, families, neighborhoods and the community at large; and

WHEREAS, people in recovery strive to achieve healthy lifestyles, stable homes, meaningful daily activities, stronger neighborhoods and contribute in positive ways to the larger community; and

WHEREAS, the Center for Disease Control (CDC) reports that drug overdose is now the leading cause of accidental death for adults under fifty-five in the U.S., with over 72,000 lethal drug overdoses in 2017; and

WHEREAS, Substance Abuse and Mental Health Services Administration (SAMHSA) reports that in any given year, 20% of Americans will experience a mental health issue but only 44% of adults and 38% of youth received appropriate mental health treatment. Given these statistics, we must strive to reduce the stigma, shame, and negative stereotypes associated with brain disorders and help individuals, families, and the larger community learn to view these health issues as any other medical condition; and

WHEREAS, the U.S. Department of Health and Human Services (HHS), SAMHSA, the White House Office of National Drug Control Policy (ONDCP), and the Recovery Community of Durham (RCOD) invite all residents of Durham County, North Carolina to participate in National Recovery Month to help more people achieve and sustain long-term recovery.

NOW, THEREFORE, BE IT RESOLVED I, Wendy Jacobs, Chair of the Durham Board of County Commissioners and on behalf of the Durham Board of County Commissioners, do hereby proclaim the month of September 2019 as

“NATIONAL RECOVERY MONTH”

in Durham County, and hereby call upon the people of Durham County to observe this month with appropriate programs, activities, and ceremonies to support this year’s recovery theme:

“Join the Voices for Recovery: Together We Are Strong”

This the 9th day of September 2019.

Wendy Jacobs, Chair
Durham Board of County Commissioners

Bob Thomas, Chair, Recovery Community of Durham (RCOD) invited the Board and the community to the Durham Celebrates Recovery event on Saturday, September 14, 2019 from 2 p.m. to 6 p.m. at Durham Central Park, 501 Foster Street. He added the event included health screenings, art show, activities, games and provider tables. Mr. Thomas expressed the need to educate the community on drugs especially with the opioid and drug overdose crisis.

Michelle McKinney, member of RCOD shared her experience of recovery from domestic violence, homelessness and unemployment.

Percy Covington, RCOD Board member shared his success story of 28 years of recovery and advocated for recovery after becoming an accomplished musician.

The Board thanked Mr. Thomas, Ms. McKinney and Mr. Covington for promoting recovery in Durham and asked how citizens could locate the RCOD center. Mr. Thomas responded the center was located at the Hayti Heritage Center, 804 Old Fayetteville Street and citizens could email recoverycommunityofdurham@gmail.com for more information.

Directive: Chair Jacobs asked the Clerk to the Board to add the RCOD event on September 14, 2019 to the agenda announcements.

Consent Agenda

Chair Jacobs asked the Board if they requested to pull or comment on any item on the Consent Agenda. Commissioner Carter requested to pull item #19-0396. Chair Jacobs requested to pull items #19-0400, #19-0406 and #19-0407.

Commissioner Reckhow moved, seconded by Commissioner Carter to approve the following items on the Consent Agenda.

*19-0382 Property Tax Releases and Refunds for July 2019.

19-0392 Request Refund of Overpayment of Exercise Tax.

The motion carried unanimously.

Consent Agenda Item #19-0406

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 – 2019

Real Property	\$ 0.00
Personal Property	\$ 15,827.62
Solid Waste	\$ 0.00
VTs Refunds	\$ <u>17,554.55</u>
Total	\$ 33,382.17

Releases & Refunds for Prior Years 2007-2018

Personal Property	\$ 79,251.49
Solid Waste	\$ 152.81
Real Property	\$ <u>6,983.83</u>
Total	\$ 86,394.13

Grand Total	\$ 119,776.30
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Public Hearings

19-0395 Compact Suburban Design (CSD) District Text Amendment (TC1800009)

Lisa Miller, Senior Planner stated the Board was requested to hold a public hearing on the *Unified Development Ordinance* Text Amendment, Compact Suburban Design (CSD) District (TC1800009);

and adopt the appropriate Statement of Consistency pursuant to NCGS 153A-341 and 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 to adopt a resolution designating the future street network for Patterson Place Compact Neighborhood Tier.

The Board asked if the plan was the same without light-rail and no major public transportation system. Ms. Miller responded the updated plan included a reduction in the size of the core and the core was focused around the existing highly used transportation stops. The Board inquired about the major transportation corridor overlay, the suspended sidewalk system and the landscaped stormwater. Ms. Miller replied the corridor overlay created a buffer area along major roadways and created environmental areas away from the roadways. She added the suspended sidewalk consisted of pavers almost up to the tree trunks with pavers raised up on grates to protect the trees. Ms. Miller continued to say landscaped stormwater control measures were low impact development for storm water management.

The Board asked why some of the GoTriangle recommendations were not incorporated; specifically, the recommendation addressing building height. Ms. Miller responded the recommendations from GoTriangle were understood and the building height with affordable housing was being addressed by removing the density maximum. She added instead of tall buildings the plan was designed to maximize the number of units inside of a building with access to light and air at street level. The Board asked if drive-thru facilities and payday advance loans were allowed in the core. Ms. Miller replied drive-thru facilities would not be allowed in the core; however, banks with drive-thru access would be allowed in sub-one or sub-two. She added payday advanced lending was prohibited. The Board asked if the capacity of the schools were included in the discussions. Ms. Miller responded she was aware of the capacity of the schools and would have better communication with Durham Public Schools.

The Board thanked the City-County Planning staff for a great job on the project.

Chair Jacobs opened the public hearing. With no one signed up to speak Chair Jacobs closed the public hearing and asked to entertain a motion.

First Motion:

Commissioner Reckhow moved, seconded by Commissioner Howerton to adopt the appropriate Statement of Consistency pursuant to NCGS 153A-341.

The motion carried unanimously.

Second Motion:

Commissioner Reckhow moved, seconded by Vice-Chair Hill to adopt an ordinance amending the *Unified Development Ordinance*, incorporating revision 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.

The motion carried unanimously.

Third Motion:

Commissioner Reckhow moved, seconded by Commissioner Howerton to adopt a resolution designating the future street network for the Patterson Place Compact Neighborhood Tier.

The motion carried unanimously.

Other Business

19-0409 Durham's Women's Commission Presentation on Reproductive Rights

Vivian Slade, Chair of the Women's Commission provided the Board with an overview of the purpose and goals of the Women's Commission. She introduced Sara Bausch, Women's Commission member who provided a summary of the concept of reproductive justice. She explained which laws/bills were passed or in the process of being passed on women's reproductive rights and reproductive health. Ms. Bausch stated the Born-Alive Abortion Survivors Protection Act was approved by the North Carolina House and vetoed by Governor Roy Cooper.

The Women's Commission asked the Commissioners' to proclaim their support for the Reproductive Health Act, the Women's Health Protection Act and the Equal Access to Abortion Coverage in Health Insurance Act.

The Board thanked the Women's Commission for the presentation and spoke briefly about their concern with the distortion of high fatality of women of color and child birth.

Directives:

- **Chair Jacobs asked the Clerk to the Board to provide the Women's Commission with information on how to submit/draft a resolution.**
- **Chair Jacobs stated she would contact Gayle Harris, Public Health Director to incorporate some of the services the County provides to promote women's reproductive health.**

Board and Commission Appointments

Monica Toomer, Clerk to the Board, distributed ballots to the Board to make appointment to the boards and commissions.

The Board make the following appointments (incumbents are identified with an (i). Individuals who are recommended by a Board are underlined. Individuals listed in bold print were appointed.

Adult Care Home Community Advisory Committee

Chiquetta Harris (Carter, Hill, Howerton, Jacobs, Reckhow)

Gilda Suiter (Carter, Hill, Howerton, Jacobs, Reckhow)

Bicycle and Pedestrian Advisory Commission

Cecilia Gonzales (Carter, Hill, Jacobs)

James Chickos

Brian Driska

Paul Harvin

John Hykes
John Porter (Howerton, Reckhow)
Michael Shepard
George Tait

Boxing and Wrestling Commission

Italo Medelius-Marsano (Carter, Hill, Jacobs, Reckhow)
Mya Bass (Howerton)

Durham City-County Appearance Commission

Araba Awotwi (Carter, Hill, Howerton, Jacobs, Howerton)
Kiarash Rahmanian (Carter, Hill, Howerton, Jacobs, Howerton)

Durham-Wake Counties Research and Production Service District

Katey Regan (Carter, Hill, Howerton, Jacobs, Reckhow)
Mike Curry (Carter, Hill, Howerton, Jacobs, Reckhow)
Daniel Tomso (Carter, Hill, Howerton, Jacobs, Reckhow)
Joanne Latham (Carter, Hill, Howerton, Jacobs, Reckhow)
Stephanie Harris
Harold Hicks
Melissa Verdery
Greg Luberecki

Items Pulled from Consent Agenda

***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: Preconstruction Scope of Services for the Snow Hill Road Pump Station and Force Main Replacement Project.**

Commissioner Carter stated the recommendation wording included “*not to exceed \$2 million and not to exceed budget of \$12.7 million.*” She asked for an explanation of the actual amounts. Peri Manns, Interim General Manager responded the capital project amendment would allow \$12.6 million for total funds for the project and the first phase of the project was allotted \$2.1 million.

19-0400 Settlement of 2018 Property Taxes and Charge of 2019 Property taxes to the Tax Collector.

Chair Jacobs asked for clarification on gap taxes and how they are calculated. Timothy Dwane Brinson, Tax Administrator replied the gap taxes were new to all counties across the state and the Department of Revenue were sending counties gap bills that were not correct or bills that had to be cancelled. He added the gap billing and revaluation affected the tax collection numbers, but Durham County has done a great job with their overall collection rate.

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

Chair Jacobs asked if more details would be provided regarding the Chamber of Commerce contract. Andy Miracle, Economic Development Officer responded yes, a larger scale report would be provided to the Board. Chair Jacobs asked if the contract would include the scope of service in the revised

Economic Development Policy. Mr. Miracle replied staff would help carry out the specifics of the contract and work with Workforce Development. Chair Jacobs stated she contacted Bryan Fox, Vice President of Public Policy for help and leadership with the transportation issue around Treybern. Mr. Miracle responded the transportation section was included for the first time and was being discussed.

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

Chair Jacobs acknowledged the information Nicole Thompson, President of Downtown Down, Inc. provided to the Board. She asked if there was any consideration of measurements and contracts. Andy Miracle, Economic Development Officer responded the reporting segment was included from a discussion in June 2019 and the information at Leadership Development and Assessment (DDI) was not included with the scope. Chair Jacobs recommended integrating priorities for next year's scope of work. Ms. Thompson stated the scope of work would remain the same for this year and change next year. Chair Jacobs inquired about the difference between Office Space B and C. Ms. Thompson responded office space C was the bare minimum and office space B was between the bare minimum and the premium. Chair Jacobs inquired about ways to help and deal with panhandling in Downtown Durham. Ms. Thompson replied the City received funds to hire a part-time intern to conduct a study and research on the homeless and panhandling in Downtown Durham. She added she was attending the Homeless Task Force meetings and was working with the community and providers to address the concerns.

Hearing no additional comments, Chair Jacobs entertained a motion for approval.

Commissioner Reckhow moved, seconded by Commissioner Howerton to approve items 19-0396, 19-0400, 19-0406 and 19-0407 from the Consent Agenda.

The motion carried unanimously.

Consent Agenda Item #19-0396

**DURHAM COUNTY, NORTH CAROLINA
2019-20 Capital Project Ordinance
Amendment Number 20CPA000002**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2019-20 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

Project	Current Budget	Increase/ Decrease	Revised Budget
Snow Hill Road Pump Station (4730DC149)	\$0	\$12,685,000	\$12,685,000

Adopted this the 26th day of August 2019.

Closed Session

Chair Jacobs stated the Board requested to adjourn to 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. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session 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).

Commissioner Reckhow moved, seconded by Vice Chair Hill to adjourn into Closed Session.

The motion carried unanimously.

Reconvene to Open Session

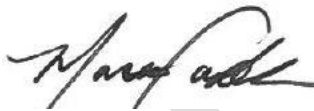
Chair Jacobs stated the Board met in Closed Session and provided direction to staff.

Adjournment

Commissioner Carter moved, seconded by Commissioner Howerton to adjourn the Regular Session meeting at 9:47 p.m.

The motion carried unanimously.

Respectfully Submitted,



Macio Carlton
Deputy Clerk to the Board