

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

Monday, November 25, 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 and Ellen Reckhow

Excused Absence: Commissioner Brenda Howerton

Presider: Chair Wendy Jacobs

Opening of Regular Session - Pledge of Allegiance

Agenda Adjustments

Chair Jacobs announced that there were no agenda adjustments.

Commissioner Reckhow moved, seconded by Vice-Chair Hill to excuse Commissioner Howerton from the November 25, 2019 Regular Session meeting.

The motion carried unanimously.

Announcements

Chair Jacobs read the following announcements:

1. **What's the 411: How to Thrive and Live Well at Age 50+** – You are invited to join the Durham County Public Health Department on Tuesday, November 26, 2019 for a presentation sharing tips on a healthy, happy and vibrant life at the age of 50 and over.

This event is **FREE** and open to the public. Please email aleciasmith@dconc.gov for additional details.

2. **Durham Homicide and Victims of Violent Death Memorial Quilt on Display at the Durham County Human Services Building** – Sidney Brodie a native of Durham will be displaying his work at the Durham County Human Services Building located at 414. E. Main Street. Each square on the quilt was designed to memorialize the many lives loss due to violence.

The display is **FREE** and will be available for public viewing until Thursday, November 30th.

3. **Durham Local Reentry Council to host Reentry Simulation** – Participants looking to gain increased understanding of obstacles faced by individuals adjusting to society following incarceration are invited to the Reentry Simulation on Friday, December 6, 2019 from 10 a.m. – 12 p.m. at the Criminal Justice Resource Center located at 326 E. Main Street.

Those interested should RSVP by emailing rparker@dconc.gov or by calling 919-560-0550.

4. **Light Up Durham** – The 15th Annual American Tobacco Tower Lighting and City of Durham Tree Lighting will take place on December 6, 2019. The celebration will begin at 5:30 p.m. at the American Tobacco Campus and ends at the CCB Plaza.
5. **Men's Health Council of Durham Host Men on the Move: "Walk with Jeff"** – Join the Men's Health Council of Durham for their monthly walk on Saturday, December 7, 2019 from 9 a.m. – 10 a.m. at the Community Family Life & Recreation at Lyon Park located at 1309 Halley Street for a "Walk with Jeff". The walks begin with health tips and warmup stretches.

Registration is not required.

6. **Public Input is Needed on the Regional Plan to Reduce Reliance on Single-Occupancy Vehicles** – What do you think about carpooling, vanpooling, public transit, biking, walking, teleworking, and flexible work weeks? The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization is seeking your feedback on strategies and policies to reduce single-occupancy vehicles for travel. The proposed plan can be viewed by visiting [www.https://bit.ly/2O2PRms](https://bit.ly/2O2PRms)

The public comment period is open until Tuesday, December 10, 2019 and comments should be submitted directly to Dale McKeel at dale.mckeel@durhamnc.gov or by calling 919-560-4366, ext. 36421.

7. **Health Insurance Marketplace Open Enrollment Period Ending Soon** – Need health insurance for 2020? Open enrollment through the Health Insurance Marketplace is open now until December 15, 2019. To learn more and enroll, please visit www.healthcare.gov
8. **Art of Mental Health at the Reubenstein Art Center** – Discover Durham invites you to the community exhibit of artwork by local artist showcasing mental health and wellness. The exhibit which ends January 24, 2020 is open to the public Monday – Friday from 10 a.m. – 8 p.m. and Saturday/Sunday from 1 p.m. – 6 p.m.

Please visit www.discoverdurham.com

Chair Jacobs added the following announcement:

Renovations were completed and the Durham County Board of Elections has moved back into their office located at 201 North Roxboro Street. Offices opened with normal hours of business on Wednesday, November 27, 2019 at 8:30 a.m. For more information, please visit www.dcovotes.com.

Chair Jacobs stated this was a difficult 24 hours in Durham with violence in the community. She emphasized one action that residents could take to help prevent violence was to safely store guns and

lock vehicles due to 800 guns being stolen from unlocked cars. Chair Jacobs added local law enforcement was working to address violence and the court system was also focusing on those violent crimes. She added the County was also working on long-term solutions to prevent violence.

Minutes

Commissioner Reckhow moved, seconded by Vice-Chair Hill to approve the October 7, 2019 Work Session minutes.

The motion carried unanimously.

Ceremonial Items

Proclamation – National Radon Action Month

Chair Jacobs read the following proclamation:

NATIONAL RADON ACTION MONTH | 2019

- WHEREAS,** radon is a colorless, odorless, radioactive gas that may threaten the health of our citizens and their families; and
- WHEREAS,** radon is the second leading cause of lung cancer in the U.S. and is the leading cause of lung cancer in non-smokers; and
- WHEREAS,** the National Academy of Sciences estimates that up to 21,000 lung cancer deaths occur in the United States each year; and
- WHEREAS,** one in 15 homes across the U.S. have elevated radon levels; and
- WHEREAS,** any home may have elevated levels of radon, even if neighboring homes do not, and living in a home with an average radon level of 4 picocuries per liter of air poses a similar risk of developing lung cancer as smoking half a pack of cigarettes a day; and
- WHEREAS,** testing for radon is simple, inexpensive and radon problems can be fixed; and
- WHEREAS,** Durham County, the U.S. Surgeon General, the U.S. Environmental Protection Agency, the NC Department of Health and Human Services' NC Radon Program and the North Carolina Advisory Committee on Cancer Coordination and Control support efforts to encourage homeowners to test their homes for radon; and
- WHEREAS,** many residents in Durham County don't know about radon, yet need to know, for the safety and health of their families.

NOW, THEREFORE, I, Wendy Jacobs, Chair of the Durham Board of County Commissioners and on behalf of the Durham Board of County Commissioners, do hereby proclaim January 2020 as

“NATIONAL RADON ACTION MONTH”

in Durham County, North Carolina

This the 25th day of November 2019.

Wendy Jacobs, Chair
Durham Board of County Commissioners

James Salter, Environmental Health Director introduced Phillip Gibson, North Carolina Radon

Coordinator. Mr. Salter stated the Environmental Protection Agency provided grant funding for radon test kits for Durham since 2014. He added Durham County's Public Health helped educate citizens about radon by sending press releases and setting up information tables at the Health and Human Services Building.

Mr. Gibson thanked the Board for the recognition explained the importance of radon testing along with the risk of radon. He stated the North Carolina Radon Program contributed 3000 radon test kits for free through their website: www.ncrandon.org and offered free webinars series.

The Board thanked Mr. Salter and Mr. Gibson for their work with radon education and detection in Durham.

Letter Regarding Executive Order Enhancing State and Local Involvement in Refugee Resettlement

Chair Jacobs read the following letter:

November 25, 2019

Secretary Michael R. Pompeo
U.S. Department of State
2201 C Street NW
Washington DC 20520

Dear Secretary Pompeo:

This letter is in reference to Executive Order 13888, "On Enhancing State and Local Involvement in Resettlement."

As Chair of the Durham Board of County Commissioners, Durham County, North Carolina, I consent to initial refugee resettlement in Durham County as per the terms of the Executive Order.

Sincerely,

Wendy Jacobs
Chair, Durham Board of County Commissioners

CC:
Principal Deputy Assistant Secretary Carol T. O'Connell
Bureau of Population, Refugees, and Migration
U.S. Department of State

Chair Jacobs explained on September 26, 2019, President Trump issued Executive Order 13888 Enhancing State and Local Involvement in Refugee Resettlement in their jurisdictions. She added Durham County was a diverse community that welcomed a host of refugee families fleeing violence and persecution in their home counties. Chair Jacobs asked that one letter be sent to Secretary of State Mike Pompeo and one to Governor Roy Cooper. She mentioned President Trump planned to reduce the annual refugee cap to 18,000 for 2020, down from the current cap of 30,000.

Vice-Chair Hill stated former President Obama allowed 110,00 for the annual refugee cap; while President Trump allowed a fraction with a 18,000 cap.

Directive: Chair Jacobs asked staff to send the letter to Secretary of State Mike Pompeo and Governor Roy Cooper.

Consent Agenda

Chair Jacobs asked the Board if they requested to pull or comment on any items on the Consent Agenda.

Commissioner Carter requested to pull items 19-0535 and 19-0574.

- Item 19-0535 – Commissioner Carter asked when the Board would discuss how the County could sustain funding for Durham Public Schools (DPS) capital improvement projects. Chair Jacobs responded discussion with DPS was ongoing and the funding would be discussed at the January 2020 Work Session meeting.
- Item 19-0574 – Commissioner Carter asked how much of the \$145 million approved was for the renovations of Admin Building I. Susan Tezai, Chief Financial Officer responded \$10 million would be used for renovations of Admin Building I and remaining would be used for refinancing.

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

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

The motion carried unanimously.

*19-0535 Capital Project Amendment No. 20CPA000009 – Appropriate \$6,50,000 to Durham Public Schools Capital Projects with the Funding Source of a Future Financing of Limited Obligation Bonds (LOBs)

*19-0566 Property Tax Releases and Refunds for October 2019

19-0574 Approval of Resolution Authorizing the Negotiation of an Amendment to an Installment Financing Agreement Making Certain Findings Required by the Local Government Commission Providing for Certain Other Related Matters Thereto Pursuant to G.S. 160A-20

Consent Agenda Item #19-0535

**DURHAM COUNTY, NORTH CAROLINA
2019-20 Capital Project Ordinance
Amendment Number 20CPA000009**

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	Project Status
FY20 LOBS - Safety (SH279)	\$3,338,374.00	\$0.00	\$3,338,374.00	New

FY20 LOBS – General Capital Improvements (SH280)	\$1,085,000.00	\$0.00	\$1,085,000.00	New
FY20 LOBS - HVAC (SH281)	\$2,076,626.00	\$0.00	\$2,076,626.00	New
Totals	\$6,500,000.00	\$0.00	\$6,500,000.00	

Adopted this the 25th day November 2019.

Consent Agenda Item #19-0566

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 September 2019.

Releases and Refunds – October 2019

Real Property	\$ 109,703.86
Personal Property	\$ 657,249.44
Solid Waste	\$ 476.43
VTs Refunds	\$ <u>15,326.85</u>
Total	\$ 782,756.58

Releases & Refunds for Prior Years 2014 - 2018

Personal Property	\$ 750.11
Solid Waste	\$ 0.00
Real Property	\$ <u>0.00</u>
Total	\$ 750.11
Grand Total	\$ 783,506.69

Public Hearings

Unified Development Ordinance Text Amendment, Omnibus Changes 13 (TC1900001)

Michael Stock, Senior Planner stated all the Planning Department public hearing items were advertised and noticed in accordance with the local and state law. Mr. Stock explained this text amendment proposes technical revisions and minor policy changes to various provisions of the *Unified Development Ordinance* (UDO). The amendments are identified as necessary corrections, clarifications, re-organization, or other minor changes to clarify the intent of the regulations or codify interpretations of regulations, or reflect minor policy changes, some of which are not solely technical in nature. Additional amendments are proposed specific to a number of UDO provisions, including the Comprehensive Plan Evaluation and Assessment Report (EAR), limited agriculture permits and domestic chickens, Sedimentation and Erosion Control (S&E) regulations, accessory solar installations, and expanded sidewalk placement.

The Board asked if a citizen applied for agriculture exemption for Sedimentation and Erosion Control and the application was denied, could the citizen appeal to the Board. Ryan Eaves, Stormwater and Erosion Control Manager confirmed the process was created to allow multiple steps with an appeal denial. The Board inquired about the amount of money generated for recreational purposes from the fees

of a dwelling unit built outside City Limits and how the money was spent. Patrick Young, City-County Planning Department Director replied the recreational fees were collected by the Inspection Department with the building permit fees and he would coordinate with staff to get answers to County Manager Davis. The Board asked for a summary of the improvements to the Sedimentation and Erosion Control that would help Benny Ross Road. Mr. Eaves stated language would be added to allow the County to require Erosion Control Plans if any sedimentation was discovered offsite including agricultural property. He continued to say the assumption on the agriculture exemption would be removed and require applications for any agriculture activity. Mr. Eaves stated projects would have to provide plans for the property, project duration, documentation of the original location of material and where the material was being moved.

Chair Jacobs opened the public hearing.

Ruth McDaniel, citizen, stated she lived on Benny Ross Road and did not approve the proposed changes to the UDO. She added changes would not stop environmental abuse and changes were proposed without significant stakeholders.

Tammie Sawaya, citizen, stated she did not support the proposed changes to the UDO and recommended that the Board delay the vote.

Don Paschall, citizen, stated he did not support the proposed changes to the UDO and was concerned with the dump truck traffic on Benny Ross Road.

The Board asked if changes and improvements to the UDO could be proposed as needed. Mr. Eaves responded unlimited changes could be made to the UDO if the State approved the changes due to regulations by the Sedimentation and Control Commission. The Board inquired about moving forward with the proposed changes or to make no changes until a later date. Mr. Eaves replied changes were time sensitive due to the schedule of the Sedimentation and Control Commission. The Board inquired about the penalty amount with a site that was out of compliance. Mr. Eaves replied the maximum penalty amount was limited by the State General Statute.

The Board inquired about the enforcement of existing regulations with Benny Ross Road. Mr. Eaves responded issues on Benny Ross Road was a learning experience in which he developed a relationship with the County Attorney's Office, while understanding limitations required assistance from partners with those issues. Larissa Williamson, Senior Assistant County Attorney added 550 Benny Ross Road was in litigation and she was in contact with the site owner's attorney. The Board asked about removing the 30-foot stock pile limitation. Ms. Williamson responded there was no cap on stock piles and the 30-foot limitation provided a cap.

Commissioner Reckhow suggested a written request be submitted to the Environmental Affairs Board and the Soil and Water Conservation Commission to review current issues. She also suggested staff work with Sedimentation and Erosion experts at North Carolina State University and provide recommendations to the Board.

Chair Jacobs closed the public hearing.

First Motion:

Commissioner Carter moved, seconded by Commissioner Reckhow to adopt a Consistency Statement as required by NCGS 153A-341.

The motion carried unanimously.

Second Motion:

Commissioner Reckhow moved, seconded by Commissioner Howerton to adopt an ordinance amending the *Unified Development Ordinance*, incorporating revisions to amend Article 1, General Article 3, Applications and Permits: Article 5, Use Regulations; Articles 6, District Intensity Standards; Article 7, Design Standards; Article 8; Environmental Protection; Article 9, Landscaping and Buffering; Article 10, Parking and Loading; Article 12, Infrastructure and Public Improvements; Article 13, Additional Requirement for Subdivisions; Article 14, Nonconformities; Article 15, Enforcement; Article 16, Design Districts; and Article 17, Definitions.

The motion carried unanimously.

Third Motion:

Commissioner Reckhow moved, seconded by Commissioner Carter to direct the County Manager to communicate with the Environmental Affairs Board and Soil and Water Conservation Commission to consult with Sedimentation and Erosion experts at North Carolina State University and provide recommendations to the Board.

Ayes: Carter, Jacobs, Reckhow

Nays: Hill

Directive: Commissioner Reckhow suggested a written request be submitted to the Environmental Affairs Board and the Soil and Water Conservation Commission to review current issues. She also suggested staff work with Sedimentation and Erosion experts at North Carolina State University and provide recommendations to the Board.

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

(i)**Christa Gaston** (Carter, Hill, Jacobs, Reckhow)

(i)**Anne Schneider** (Carter, Hill, Jacobs, Reckhow)

Women's Commission

Jenny Gomez (Carter, Jacobs, Reckhow)

Keir Witherspoon (Hill)

Adjournment

Commissioner Howerton moved, seconded by Commissioner Reckhow to adjourn the Regular Session meeting at 9:39 p.m.

The motion carried unanimously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Macio Carlton", written in a cursive style.

Macio Carlton
Deputy Clerk to the Board

DRAFT