



Durham County

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

Meeting Agenda Board of County Commissioners

Monday, November 25, 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)

[19-0578](#) Announcements

Agenda Text:

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 <<mailto: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) <<http://www.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 <<mailto: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

<http://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 <http://www.discoverdurham.com>

4. Minutes (5 min)

[19-0579](#) Minutes

Attachments: [Work Session - October 7, 2019](#)

5. Ceremonial Items (20min)

[19-0588](#) Proclamation - National Radon Action Month (10min)

Agenda Text: The Board is requested to approve the requested proclamation for upcoming National Radon Action Month. Durham County's Public Health/Environmental Health staff have participated in Radon education and detection since 2014. Radon is a gas that you cannot see, or taste, and it originates from the decay of radioactive elements in soil and groundwater.

This proclamation is an opportunity to educate individuals on the available measures to reduce radon.

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

Resource Persons: Philip Gibson, NC Radon Program and James C. Salter, Durham County Public Health

County Manager's Recommendation: The County Manager recommends that the Board approve the proclamation and present to Mr. Gibson.

Attachments: [Proclamation - National Radon Action Month - Nov 2019](#)

[19-0600](#) Letter Regarding Executive Order Enhancing State and Local Involvement in Refugee Resettlement (10min)

Agenda Text: The Board is requested to approve the attached letters regarding Refugee Resettlement. On September 26, 2019, President Trump issued Executive Order 13888 Enhancing State and Local Involvement in Refugee Resettlement in their jurisdictions. One letter will be sent to Secretary of State Mike Pompeo. Durham County has always been a diverse community and one that welcomes a host of refugee families fleeing violence and persecution in their home countries. The goal is to

continue to assist these families and let them know they are welcome in our community. The other letter will be sent to Governor Roy Cooper asking that he also weigh in on this issue on behalf of the State of North Carolina.

Alignment with Strategic Plan: This item aligns with Goal 1: Community and Family Prosperity

Resource Persons: Wendy Jacobs, Chair Board of County Commissioners

County Manager's Recommendation: The County Manager recommends that the Board approve the attached letters for Chair Jacobs to sign and send to Secretary of State Mike Pompeo and to N. C. Governor Roy Cooper on behalf of the Board of County Commissioners.

Attachments: [Refugee Settlement Consent Letter.Pompeo --25Nov19](#)
[Refugee Settlement Consent Letter.Governor Cooper --25Nov19](#)

6. Consent Agenda (15 min)

19-0535 **Capital Project Amendment No. 20CPA000009- Appropriate \$6,500,000 to Durham Public Schools Capital Projects with the Funding Source of a Future Financing of Limited Obligation Bonds (LOBs)**

Agenda Text: On September 12, 2019 and November 21, 2019, the Durham Public Schools (DPS) Board of Education approved capital improvement projects totaling \$6,500,000 using County appropriated funding. Pursuant to the Interlocal Agreement with DPS, as amended, the Durham County Board of County Commissioners is requested to consider and approve these projects.

General Fund dollars will fund purchases made before future financing of Limited Obligation Bonds (LOBs) funds are available through an interfund loan not to exceed \$6,500,000 and will be reimbursed/repaid as the financing funds become available.

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 - Misc. Capital Improvements (SH280)		\$1,085,000.00	\$0.00 New
		\$1,085,000.00	
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

Alignment with Strategic Plan: This capital project amendment aligns with **Goal 1-Community and Family Prosperity and Enrichment**, though providing access to educational, vocational, economic and cultural opportunities and by providing support for educational opportunities that ensure high academic achievement.

Resource Persons: Julius Monk, Chief Operating Officer, Durham Public Schools,

Keith Lane, Budget and Management Services Director, Susan Tezai, Chief Financial Officer

County Manager's Recommendation: The County Manager recommends that the Board approve Capital Project Amendment No. 20CPA000009 appropriating \$6,500,000 of funding to Durham Public Schools capital projects with the funding source to be future financing of Limited Obligation Bonds (LOBs).

Attachments:

[CPA-09 Legal Form DPS Capital Projects \(\\$6,500,000\)](#)

[CPA-09 Supplemental Form DPS Capital Projects LOBs Funding \(\\$6,500,000\)](#)

[FY2019-20 DPS CIP List\(Capitalized Assets\)](#)

19-0566

Property Tax Releases and Refunds for October 2019

Agenda Text:

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

Releases and Refunds for 2019 total \$782,756.58. Prior year's (2015-2018) releases and refunds for October 2019 are in the amount of \$750.11. The current year and prior year's releases and refunds amount to \$783,506.69.

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 Equalization & Review 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 October 2019 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

Attachments:

[Releases and Refunds Backup Detail-October 2019-November 25, 2019](#)

[Backup-Tax Release and Refunds-Oct 2019-Nov 25, 2019](#)

[NCVTS September Report Refunds](#)

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 and Providing for Certain Other Related Matters Thereto Pursuant to G.S. 160A-20

Agenda Text:

The Board is requested to adopt the attached resolution. The resolution makes

certain findings concerning a proposed amendment to an existing installment financing pursuant to G.S. 160A-20. The proposed financing would be in an amount not to exceed \$145,000,000 and would be used to (a) refinance the County's outstanding obligations under an Installment Financing Contract dated March 30, 2017 with PNC Bank, National Association, (b) finance improvements to County's historic administration building, now known as Admin Building I and (c) refinance a portion of the County's outstanding 2012 and 2014 Limited Obligation Bonds (LOBs) for debt service savings. The new obligation will be executed and delivered as an amendment to an Installment Financing Agreement dates as of March 1, 2013, which originally financed the new County Justice Center. The County's obligation under the amendment will be secured by an existing security interest in the site of the Justice Plaza and all improvements thereto. As the Board of County Commissioners (BOCC) has previously held a public hearing on the 2013 Agreement and the County is not securing the amendment with additional collateral, there is no need to hold a public hearing in connection with this financing and refinancing pursuant to G.S. 160A-20(g).

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

Resource Persons: Susan Tezai, Chief Financial Officer; Jessica Brown-Linton, Deputy Chief Financial Officer

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

Attachments: [Initial Resolution - County of Durham LOBs, Series 2020 - edits to v.5](#)
[AAF Supplemental Document - November 25, 2019](#)

7. Public Hearings (45min)

[19-0568](#) Unified Development Ordinance Text Amendment, Omnibus Changes 13 (TC1900001) (45min)

Agenda Text: The Board is requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Omnibus Changes 13 (TC1900001); 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 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 Requirements for

Subdivisions; Article 14, Nonconformities; Article 15, Enforcement; Article 16, Design Districts; and Article 17, Definitions.

Summary. 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.

Attachments:

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

Attachment B: An Ordinance to Amend the *Unified Development Ordinance* Regarding Various Provisions of the Unified Development Ordinance (TC1900001)

Attachment C: County Stormwater and Erosion Control Division memorandum

Attachment D: Planning Commission comments

Alignment with Strategic Plan: The text amendment emphasizes Goal 4 (Community Prosperity) by offering fair and reasonable regulations for the citizens and business community of Durham while adhering to Goal 5 (Accountable, Efficient, and Visionary Government) by maintaining a transparent government and welcoming public input.

Resource Persons: Michael Stock, 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:

[BOC11-25-19Memo TC1900001](#)

[Attachment A TC1900001 BOC Consistency statement](#)

[Attachment B BOC Ordinance TC1900001 final](#)

[Attachment C SCC Memo - UDO Amendments](#)

[Attachment D Planning Commission Comments TC1900001](#)

8. Board and Commission Appointments (10 min)

19-0576**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
- Women's Commission

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: [Boards and Commissions 11.25.2019](#)

9. Items Pulled from the Consent Agenda (20 min)**10. Adjournment**