



# Durham County

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

## Meeting Agenda Board of County Commissioners

*Wendy Jacobs, Chair*  
*James Hill, Vice Chair*  
*Heidi Carter, Commissioner*  
*Brenda A. Howerton, Commissioner*  
*Ellen W. Reckhow, Commissioner*

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Monday, October 23, 2017

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

#### 17-0444 Announcements

Agenda Text:

- 1) Early voting for the November 2017 municipal election began this past Thursday and continues until 1:00 p.m. on Saturday, November 4th. Election Day is Tuesday, November 7th. For more information, including early voting sites and schedules, visit [www.dconc.gov/elect](http://www.dconc.gov/elect) <<http://www.dconc.gov/elect>>.
- 2) The Matching Grants Program of the Durham Open Space and Trails Commission is accepting applications from nonprofit organizations in Durham City and County. The grants are available to assist selected nonprofit organizations with their efforts to preserve open space lands and promote

new or improved recreational opportunities for citizens. **The application deadline is 5 p.m. on Wednesday, November 15, 2017.** Grant guidelines and applications are available online at [www.dconc.gov/openspacegrants](http://www.dconc.gov/openspacegrants) <<http://www.dconc.gov/openspacegrants>>. For project specific questions and more about the grant process, contact Brendan Moore, matching grants administrator for Durham County, at (919) 560-7957 or email [brmoore@dconc.gov](mailto:brmoore@dconc.gov) <<mailto:brmoore@dconc.gov>>.

- 3) As a part of Community Planning Month, the Durham City-County Planning Department will be hosting an Open House on Monday, October 30 from 4 p.m. to 6 p.m. on the ground floor of City Hall, located at 101 City Hall Plaza. Staff will give tours, answer questions and provide examples of their work. Light refreshments will also be provided. Help us celebrate the role planning plays in creating the places we love most!
- 4) Durham County Department of Veteran Services will celebrate its 5th Annual Veteran's Day Recognition and Celebration program on Thursday, November the 9th from 11:00a.m. 1:00p.m., in the Durham County Human Services Building, located at 414 East Main Street, 2nd Floor in the County Wide Meeting Room. Parking is available in the Human Service Building parking lot on the corner of Main and Dillard Street. Durham County Veterans, their families and friends are cordially invited to join us as we take this opportunity to recognize and celebrate our "Honored Guests" our Veterans, the men and women who have given much for the freedom of this nation. The admission is free.
- 5) The EcoChallenge is an opportunity for Durham residents to demonstrate our commitment to the environment by completing daily actions to reduce our collective impact. It runs thru October 25th so sign up today! Join the Durham Community team at <https://2017.ecochallenge.org/teams/durham-community> and earn points for getting your friends, family, and coworkers to sign up! We'll be competing with the teams from all over the country, so let's get started and show the world how committed we are here in Durham to making the world a better place.
- 6) The Durham County Women's Commission is hosting a 30th Anniversary Luncheon celebration entitled "Forward Together" on Thursday November 30, 2017 11:30 am - 1:30 pm at the Durham Country Human Services Building. The luncheon will feature a multi-cultural/multi-generational panel discussion on the Power, Confidence and Unity of Women. The cost is \$30 to attend. Please contact the Clerk's Office for additional information.

- 7) These announcements may also be found on the County's website or you may call the Clerk's Office at 919-560-0025.

#### 4. Minutes (5 min)

[17-0452](#) **Minutes**

Attachments: [BWS - June 14 2017](#)  
[Regular Session - October 9, 2017](#)

#### 5. Other Business

[17-0487](#) **Approve Cost Share Memorandum of Agreement for the Commuter Rail Study**

Agenda Text: The Board is requested to approve the Cost Sharing Memorandum Agreement for the Commuter Rail Study. This Agreement memorializes the understanding between Wake County and Durham County as to the division of cost for the study.

GoTriangle approved the Wake Transit Plan on May 25, 2016, and the Durham Transit Plan on April 28, 2017. Both Plans include a proposed Commuter Rail Project which will operate in Wake and Durham Counties. Both Plans include funding for a Transit Corridors Major Investment Study to evaluate and recommend high-capacity transit alternatives for the Commuter Rail Project. Nelson-Nygarrd (Consultant) has been retained by GoTriangle and Capital Area Metropolitan Planning Organization to conduct the Study. The Budgeted cost of the Study is \$1,605,137 of which the commuter rail portion is estimated at \$657,000.00. Durham County's share under the agreement will be 33% of each approved invoice for the Study. Payment of all cost will be paid by GoTringle from revenues received pursuant to North Carolina General Statutes Chapter 105, Articles 43 (half-cent Sales and Use Tax), Article 50 (5% Vehicle Rental Tax), Article 51 (Three-Dollar Regional Vehicle Registration Fee) and Article 52 (Seven Dollar County Vehicle Registration Fee) collectively call Dedicated Local Transit Revenues.

**Alignment with Strategic Plan:** Goals 1 and 4 of our Durham County Strategic Plan

**Resource Persons:** GoTriangle Representative and Willie S. Darby, Senior Assistant County Attorney

**County Manager's Recommendation:** The County Manager recommends that the Board approve the Cost Sharing Memorandum of Agreement for the Commuter Rail Study.

Attachments: [FINAL COST SHARE COMMUTER RAIL STUDY](#)

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

**17-0451****Criminal Justice Advisory Committee Appointment****Agenda Text:**

The Board is requested to appoint Ms. LaToya Dumas to a two-year term on the Durham County Criminal Justice Advisory Committee.

The Criminal Justice Advisory Committee was established in 2012 to develop a comprehensive continuum of services for the adult criminal justice system, to identify service gaps, and to develop intervention strategies. The director of Treatment Alternatives for Safer Communities for Durham County holds a designated seat on the committee.

**Alignment With Strategic Plan:** This appointment aligns with the County's Strategic Goal 3: Safe Community.

**Resource Persons:** Gudrun Parmer, Director, Criminal Justice Resource Center

**County Manager's Recommendation:** The County Manager recommends that the Board appoint Ms. LaToya Dumas to a two-year term on the Durham County Criminal Justice Advisory Committee.

**17-0468****Property Tax Releases and Refunds for September 2017****Agenda Text:**

The Board is requested to approve the Releases & Refunds for the month of September 2017. 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 2017.

Releases and Refunds for 2017 total \$474,806.02. Prior year's (2012-2016) releases and refunds for September 2017 are in the amount of \$68,610.11. The current year and prior year's releases and refunds amount to \$543,416.13.

**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 September 2017 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

**Sponsors:**

Board of County Commissioners

**Attachments:**

[Releases & Refunds BackUp-August 2017-Sept. 25 2017](#)

[Releases & Refunds-BackUp Detail-August 2017-Sept. 25, 2017](#)

[201707 Refunds](#)

**17-0485****Appointment - GoTriangle Board of Trustees****Agenda Text:**

The Board is requested to reappoint Commissioner Ellen Reckhow to the GoTriangle Board of Trustees as the Joint City-County representative. The current term will expire November 30, 2017. The Joint City-County Committee unanimously approved the recommendation of the reappointment at its October 10, 2017 meeting. The new term will expire November 30, 2021.

**Alignment with Strategic Plan:** Goal 5

**Resource Persons:** Wendy Jacobs, Chair

**County Manager's Recommendation:** The County Manager recommends that the Board reappoint Commissioner Ellen Reckhow to the GoTriangle Board of Trustees.

**Attachments:**

[2017 Term Ltr - Reckhow](#)

**17-0489****Durham County TEFRA Policy****Agenda Text:**

The Board is requested to approve the proposed Durham County TEFRA Policy. It is the policy of Durham County to comply with all federal tax laws and regulations applicable to public approval for tax-exempt private activity bonds. The Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) (found in Section 147(f) of the Internal Revenue Code) requires, as a condition for private activity bonds to be tax exempt, that the financing of a facility through a bond issue be approved by the highest elected government official for the jurisdiction where the financed facilities will be located, following a public hearing. This policy is designed to outline a process and requirements for such approval, including approvals required by TEFRA, North Carolina statutes such as NCGS 159C-7 for industrial development bonds issued by the Durham County Industrial Facilities and Pollution Control Financing Authority, and other public finance authorities serving as conduit issuers of tax-exempt private activity bonds.

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

**Resource Persons:** Lowell Siler, County Attorney

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

**Attachments:**

[Durham County TEFRA Policy - Draft 2-TC](#)

[Durham County TEFRA Policy - Draft-2-PDF](#)

**7. Public Hearings****17-0454****Public Hearing and Approval of FY19 5311 Community Transportation Grant**

**Agenda Text:**

The Board is requested to hold a public hearing on the proposed FY19 Federal Section 5311 Community Transportation Program (CPT) Grant application in the amount of \$88,734.00 administered by the North Carolina Department of Transportation - Public Transportation Division (NCDOT-PTD), and to approve the authorizing resolution and supplemental federal and state documents and local match in the amount of \$13,311.00 for FY19. The purpose of the public hearing is twofold: 1) to allow members of the community an opportunity to comment on the application and the County's transportation needs; and 2) to allow the County Board to approve the required attached resolution authorizing the submission of the grant application and supplemental federal and state required documents to the NCDOT-PTD.

Durham County ACCESS implements the Community Transportation Program (CTP), a network of programs for persons who are elderly, have a disability, or are transportation disadvantaged. Funds requested are for Administrative purposes only. The Durham County ACCESS program through the Cooperative Extension has applied for 5311 grant funds through the NCDOT-PTD annually since 1999. Former grant requests included funds to purchase vehicles and funds to subsidize the administrative costs associated with delivering the CTP.

The CTP-5311 grant application requests \$88,734 for Administrative support only-this is the same amount as the FY18 and reflects the maximum level of funding NCDOT-PTD has agreed to fund. The state and federal share is \$75,423.00. The remaining source of funding required to support the Administrative Program staff salaries by the County is considered during the County Budget Process. NCDOT requires a local match of \$13,311.00 to be appropriated in the FY 18-19 budget. Each year NCDOT requires that the County commit to the local match at the time of the application. The FY 19 application is due November 3, 2018.

**Alignment with Strategic Plan:** This action aligns with Goal 1 by providing a portion of staff salary and administrative support to manage the demand response transportation program. This service provides mobility and access to destinations that enhance the health, economic impact and quality of life for Durham County Residents.

**Resource Persons:** Linda Thomas, Durham County ACCESS Transportation Program Manager, Morris White, Director, Durham County Cooperative Extension

**County Manager's Recommendation:** The County Manager recommends that the Board hold a Public Hearing on the proposed FY19 Federal 5311 Community Transportation Program Grant application in the amount of \$88,734.00 inclusive of the local match in the amount of \$13,311.00, and to approve the authorizing resolutions and other required supplemental federal and state documents.

**Attachments:** [FY19 5311 LocalShareCertification 20170804](#)  
[FY19 5311 PublicHearingNotice of 20170721](#)  
[5311 FY 19 Program Resolution](#)  
[FY19 5311 Public HearingRecord Durham County BOCC Mtg](#)  
[5311 FY 19 Program Resolution](#)  
[FY19 5311 Grant N- Project Funding Request Form](#)  
[FY 19 -5311 Grant Application Title VI Form](#)  
[FY19 Durham County ACCESS - 5311 Grant- DBE Good Faith](#)

**17-0484**     **Public Hearing - 2016 Evaluation and Assessment Report of the Durham Comprehensive Plan**

**Agenda Text:**     The Board is requested to hold a public hearing to receive comment and approve changes to policies and the Future Land Use Map of the Durham Comprehensive Plan as part of the 2016 Evaluation and Assessment Report (EAR).

Summary. Policy 1.1.4a of the Durham Comprehensive Plan requires the Planning Department to submit an annual Evaluation and Assessment Report (EAR) to the governing boards. The EAR serves as an opportunity to highlight progress in implementing the Plan, to propose changes to the policies and Future Land Use Map (FLUM) of the Plan, and to present local and national land use trends and issues.

**Attachments**

Attachment 1, Context Maps for Approved Plan Amendments, 2016  
Attachment 2, Recommended Text Changes  
Attachment 3, 2015 Comprehensive Plan Implementation Highlights  
Attachment 4, Fully Implemented Plan Policies  
Attachment 5, Residential Growth Trends, 2000-2015  
Attachment 6, Urban Open Space Plan  
Attachment 7, Planning Commission Comments  
Attachment 8, Resolution

**Alignment with Strategic Plan:** The EAR is aligned with Goal 5 of the County Strategic Plan, Accountable, Efficient, and Visionary Government, consistent with the *Unified Development Ordinance*, Section 3.4.10

**Resource Persons:** Laura D. Woods, Senior Planner, and Patrick O. Young, AICP, Planning Director.

**County Manager's Recommendation:** The County Manager recommends that the Board hold a public hearing to receive comment and approve the 2016 Evaluation and Assessment Report of the Durham Comprehensive Plan.

**Attachments:**      [EAR Agenda Action Form BOC](#)  
[A1700002\\_EARMemo\\_BOC\\_final](#)  
[Attach1\\_Plan Amendments](#)  
[Attach2\\_Recommended Policy Changes](#)  
[Attach3\\_Department Accomplishments](#)  
[Attach4\\_Fully Implemented Policies](#)  
[Attach5\\_Trends\\_Housing Growth, 2000-2015](#)  
[Attach6\\_Adopted UOSP 091317](#)  
[Attach7\\_PCcomments](#)  
[Attach8\\_Resolution](#)

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

### **17-0475**      **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:

- Durham Convention and Visitors Bureau
- Durham-Wake Counties Research and Production Services
- Historic Preservation Commission
- Juvenile Crime Prevention Council
- Public Health Board
- Transportation Advisory Board
- 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:** 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.

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

**10. Adjournment**