



Durham County

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

Meeting Minutes Board of County Commissioners

Michael D. Page, Chair
Brenda A. Howerton, Vice Chair
Fred Foster, Jr., Commissioner
Wendy Jacobs, Commissioner
Ellen W. Reckhow, Commissioner

Monday, September 28, 2015

7:00 PM

Commissioners' Chambers

Opening of Regular Session - Pledge of Allegiance

Agenda Adjustments:

Chairman Page announced that there were no agenda adjustments.

Announcements:

Chairman Page read the following announcements:

- 1) The Durham-Orange Light Rail Transit Project Draft Environmental Impact Statement (DEIS) is available for Public Review. You may view the draft by visiting the website at www.ourtransitfuture.com or the GoTriangle administrative office (4600 Emperor Blvd, Suite 100, Durham NC). A formal public hearing will be held on October 1, here in the Chambers at 200 E Main Street, from 4-7 pm. Please note that the public comment period ends October 13.
- 2) Durham County Government will hold a War Memorial Enhancements Community Meeting on Tuesday, September 29, 2015 at 7p.m. in the Human Services Building Countywide Meeting Room, located at 414 E. Main Street to discuss the proposal and receive feedback from the community on a proposed enhancement that includes improving the accessibility of the monuments and to include commentary and signage for monuments. The monuments are located in front of the Historic Durham Courthouse, also known as the Administrative Complex at 200 E. Main St. For more information contact Peri Manns, ASLA, senior project manager for Durham County Engineering and Environmental Services via email at pmanns@dconc.gov.
- 3) Join us for a presentation of the My Brother's Keeper Durham Policy Recommendation and Draft Action Plan. Share your thoughts or get involved on Saturday, November 14, 2015, 8:30 am – 12:00 noon, 414 E Main Street at the Human Services Building. RSVP required by November 2 to mybrotherskeeper@dconc.gov.

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

Commissioner Reckhow asked Wendell Davis, County Manager if the veterans groups and Preservation Durham organizations were made aware of the War Memorial enhancements mentioned in the announcements. County Manager Davis responded the staff and architect were working with stakeholders.

Minutes:

Commissioner Reckhow moved, seconded by Vice Chair Howerton to approve the September 15, 2015 Regular Session minutes.

The motion carried unanimously.

Ceremonial Items:

15-670 LGFCU Excellence in Innovation Award

Matt Gunnet, Service Coordinator for the North Carolina Association of County Commissioners recognized the team behind the Durham County Misdemeanant Diversion Program (Judge Marcia Morey; Gudrun Parmer, Director of Criminal Justice Resource Center (CJRC); Roshanna Parker, Assistant Director CJRC; Kelly Andrews, Case Manager at CJRC; and Lao Rupert, Director of Carolina Justice Policy Center) and presented them with a cash prize and trophy for Durham County. Mr. Gunnet also recognized Commissioner Jacobs and presented her with a certificate for her time and service.

Chairman Page acknowledged the team and read the plaque that was awarded to them. He also thanked them for their hard work on the Misdemeanant Diversion Program.

Commissioner Jacobs thanked Mr. Gunnet for recognizing the program and the other counties. She stated the program was expanded to reach individuals up to the age of 21. Commissioner Jacobs also encouraged citizens to attend a misdemeanor diversion court case. She informed the citizens that the next case would be held on Friday, October 2, 2015 at 3:30pm on the 4th Floor of the Durham County Courthouse.

Commissioner Reckhow echoed Commissioner Jacobs and added after Durham County received the award, a number of other Commissioners commented on the program and took note of what Durham was doing. She commented on Judge Morey's actions during the court cases and commended her on how attentive she was with making sure the children understood the severity of their behaviors.

Vice Chair Howerton thanked the Local Government Federal Credit Union for its contributions on not just this recognition but others in the past and present.

Ms. Parmer thanked the Board and the Manager's Office for their support and allowing the team to bring innovative programs to Durham County.

15-667 Proclamation- Life Insurance Awareness Month in Durham County

Chairman Page read the following proclamation:

LIFE INSURANCE AWARENESS MONTH | 2015

WHEREAS, According to the LIMRA International's life insurance studies, a mere 44% of American households have individual life insurance; and

WHEREAS, almost 75% of Americans agree that life insurance is the preferred way to protect financial resources in the event of a premature death of the primary wage earner; and

WHEREAS, a 2011 study by UVA's Darden School of Business and Genworth Financial revealed that 69% of single parents with children living in the home have no life insurance and low rates of coverage existed among most income levels, not just among those on tight budgets; and

WHEREAS, consumers view purchasing of life insurance as an important, yet complex financial decision, but three-quarters of American households lack a personal life insurance agent or a financial planner; and

WHEREAS, as our community seeks to provide financial stability for its citizens, it is important to educate individuals and families about critical financial tools such as life insurance as a way to protect hard earned family income.

NOW, THEREFORE, I, Michael D. Page, Chairman of the Durham County Board of Commissioners and on behalf of the Durham County Board of Commissioners, do hereby proclaim the month of September, 2015 as

“LIFE INSURANCE AWARENESS MONTH”

in Durham County and urge all residents to be more aware of their life insurance needs and to work with licensed professionals to plan for and achieve financial security for themselves and their loved ones.

This the 28th day of September, 2015.

Michael D. Page, Chairman
Durham Board of County Commissioners

Del Mattiolo, President of Mattiolo and Associates thanked the Board and the County Manager for supporting Life Insurance Awareness Month. She also spoke briefly about the importance of educating the community on having life insurance.

Vice Chair Howerton thanked Ms. Mattiolo for providing free educational services to individuals who cared to learn more about the importance of life insurance.

15-677 Proclamation to Recognize Minority Enterprise Development Week October 5-9, 2015

Chairman Page read the following proclamation:

MINORITY ENTERPRISE DEVELOPMENT WEEK | 2015

WHEREAS, it is the policy of the County of Durham that purchasing by the County and contracts with the County be open to all people and be free of discrimination on the basis of race and gender; and

WHEREAS, the Durham County Minority and Women Enterprise Ordinance Section 8-132 provides minorities and women equal opportunity to participate in all aspects of the County's contracting program, including, but not limited to, employment, construction projects, and/or materials and service contracts, consistent with law; and

WHEREAS, G.S. 143-128, provides for Good Faith Efforts to be made in an effort to ensure fair participation of minority and women business owners in all County projects; and

WHEREAS, it is further the policy of the County to conduct its contracting programs so as to prevent such discrimination, correct present discrimination and to resolve claims of such discrimination; and

WHEREAS, the County of Durham is a sponsor of the Minority Enterprise Development Week.

NOW, THEREFORE, I, Michael D. Page, on behalf of the Board of County Commissioners, do hereby proclaim October 5-9, 2015 as Minority Enterprise Development Week.

“MINORITY ENTERPRISE DEVELOPMENT WEEK”

in Durham County, North Carolina.

This the 28th day of September, 2015.

Michael D. Page, Chairman
Durham Board of County Commissioners

George Quick, Chief Financial Officer accepted the proclamation and stated every year the County joined forces with the City of Durham to promote minority business enterprises. He mentioned a list of events scheduled to take place the week of October 5-9, 2015 could be found at www.dconc.gov.

Consent Agenda:

Chairman Page requested to pull item #15-685 and asked the Commissioners if they desired to pull any other items from the Consent Agenda.

Commissioner Reckhow moved, seconded by Vice Chair Howerton to approve all items excluding item #15-685.

15-602 – Reappraisal Schedule of Values – Approval

*15-650 – Property Tax Releases and Refunds for August 2015

15-651 – Criminal Justice Advisory Committee Appointment

15-653 – Sole Source Contract with Schneider Electric in the Amount of \$306,384.00 for Cameras and Storage in Detention Center

15-663 – Interact Intranet Contract Amendment in the Amount of \$27,512.40 to Mitigate Security Concerns and Facilitate Software Implementation

15-664 – Interlocal Cooperation Agreement with City of Durham for Sodium Chloride FY15-16

*15-666 – Budget Ordinance Amendment No. 16BCC000013 - Appropriation of Risk Management Unassigned Fund Balance for Increased FY2016 Property Insurance Premium and Implementation of Comprehensive Property Insurance Appraisal Study in the amount of \$114,847.00

15-671 Appointment of the Chairperson for the Durham County ABC Board

15-672 Approval for the Durham County ABC Board to Adopt the County of Durham’s Travel Policy

15-675 Approval of Security Services Contract Amendment with Old Dominion Security Co., Inc.

15-682 Approval of Surplus Personal Property Sale by Electronic Public Auction with GovDeals

15-683 Amended Board of Health Rule: Regulation of Smoking in Prescribed Public Areas

The motion carried unanimously.

Consent Agenda Item 15-650

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 August, 2015.

Releases & Refunds for 2015 Taxes

Real Property	\$ 31,716.29
Personal Property	\$ 102,407.20
Motor Vehicle	\$ 25.72
Solid Waste Fees	\$ 2,085.00
Motor Vehicles-VTS	\$ <u>15,232.66</u>
Total	\$ 151,466.87

Releases & Refunds for Prior Years

Real Property	\$ 357.39
Personal Property	\$ 17,776.94
Solid Waste Fees	\$ <u>400.00</u>

Grand Total \$ 170,001.17

Consent Agenda Item 15-666

**Durham County, North Carolina
2015-2016 Budget Ordinance
Amendment Number 16BCC000015**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2015-2016 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>RISK MANAGEMENT</u>			
<u>FUND</u>			
Other Financing Sources	\$55,000	\$114,847	\$169,847

Expenditures:

<u>Function</u>			
<u>RISK MANAGEMENT</u>			
<u>FUND</u>			
General Government	\$2,777,234	\$114,847	\$2,892,081

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 28th day of September, 2015.

Items Pulled From Consent Agenda:

15-685 Naming the Field and Scoreboard at the Durham County Memorial Stadium

Chairman Page stated he wanted to be clear that the Board agreed to name the scoreboard, and field while the Memorial Stadium Authority agreed to place a plaque on the wall.

Commissioner Reckhow mentioned there was an understanding from the Board that Mr. Bradshaw's name could not be physically placed on the field; therefore, a plaque would be placed on the wall. She clarified that the field would be named after Coach Willie R. Bradshaw, but there would be a plaque on a wall which explains the significance.

Vice Chair Howerton expressed her concern with the plaque for Coach Bradshaw. She explained that a conversation took place with Lowell Siler, County Attorney who stated it was mentioned in 1957 that the Memorial Stadium was for the veterans. Vice Chair Howerton stated there was no information about veterans and suggested the Board make some indication of the veterans at the Durham County Memorial Stadium.

Commissioner Reckhow responded there would be two prominent plaques in the concourse areas. She stated one would be to describe Coach Bradshaw and the other would include historical context regarding the naming of the Memorial Stadium. Commissioner Reckhow stated this was the County's opportunity to educate the public about the history of the Stadium.

Reco Chavis, Stadium Manager stated a permanent name could be placed on the field. He also added the best place for the memorial plaque for the veterans would be in the front of the stadium.

Vice Chair Howerton stated that she just wanted it to be visible.

Commissioner Jacobs suggested that the Memorial Stadium Authority present sketches and rough drafts on the best options for the locations of the plaques and present them to the Board for final approval.

Directive: Chairman Page asked Mr. Chavis to take the concerns back to the Stadium Authority and discuss prominent locations for the plaques to be placed.

Commissioner Foster stated the agreement was to place Coach Bradshaw's name in three places: field, scoreboard and on a wall plaque. He continued to say the only issue to be addressed was the location.

Commissioner Reckhow moved, seconded by Vice Chair Howerton that this item be moved with the addition of the Memorial Stadium Authority reviewing a location for the plaques and markings and also bringing the findings back to the Board for final approval.

The motion carried unanimously.

Public Hearings:

15-654 Public Hearing - Durham Comprehensive Plan Text Amendment, Research Triangle Park Amendments A1500007)

Michael Stock, City-County Planning mentioned there were three inter-related cases A1500007, TC1400006 and Z1500018 which were all submitted individually. He explained each Text Amendment/Zone Map Change as follows:

- A1500007 (RTP Amendments) was a request to change the text only, there would be no future land map amendment in association with this site.
- TC1400006 examined a new zoning district called Science Research Park (SRP) that would focus on the flexibility within the zoning area.
- Z1500018 was a request to change the zoning of 100.4 acres located on the north side of NC Hwy 54, south side of I-40, west side of Davis Drive, and east side of NC 147.

Mr. Stock stated that the Planning Department recommended the approval for all three cases. He reminded the Board that there were a total of five (5) motions that were needed.

Chairman Page opened the public hearing for all citizens who wanted to speak on all three items.

Commissioner Foster inquired about the 8/6 vote and asked for the six (6) people who responded--were their issues addressed in the text amendments. Mr. Stock stated based on the comments, those six (6) individuals were concerned about the flexibility that the zoning district allowed. He added the text did address those comments.

Commissioner Jacobs questioned whether the information in the text of the comp plan was being adopted or whether it was in a resolution. Mr. Stock responded the information in the memorandum could be found in the resolution. Commissioner Jacobs mentioned a typo on page three (3), section two (2). Mr. Stock stated he would take note of the error and make the necessary corrections. Commissioner Jacobs mentioned the tree coverage was 3% and asked if it was the same for the downtown. Mr. Stock responded it was the same for any urban tier. Commissioner Jacobs inquired about page 12B (mix of uses) mentioning that education and research was not listed. She asked was it assumed that it was not one of the mixed uses. Mr. Stock stated it was in the use table. He added the standard provided a minimum but more uses could be provided.

Chairman Page opened the public hearing. He noted that no one was signed up to speak and closed the public hearing. Chairman Page stated the matter was back before the Board.

Commissioner Reckhow moved, seconded by Vice Chair Howerton to adopt a resolution amending the Durham Comprehensive Plan, incorporating revisions to Chapter 2, Land Use Element; and Chapter 6, Economic Development Element.

The motion carried unanimously.

15-655 Public Hearing - Unified Development Ordinance Text Amendment, New Zoning District SRP-C (TC1400006)

The Board was requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, New Zoning District SRP-C (TC1400006)

First Motion:

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

The motion carried unanimously.

Second Motion:

Commissioner Reckhow moved, seconded by Commissioner Jacobs to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits; Article 4, Zoning Districts; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 8, Environmental Protection, Article 9, Landscaping and Buffering; and Article 11, Signs.

The motion carried unanimously.

15-657 Public Hearing - Zoning Map Change, Park Center at RTP (Z1500018)

The Board was requested to conduct a public hearing and receive public comments on the Zoning Map Change, Park Center at RTP (Z1500018), a request to change the zoning of 100.4 acres located on the north side of NC Hwy 54, south side of I-40, west side of Davis Drive, and east side of NC 147.

First Motion:

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

The motion carried unanimously.

Second Motion:

Commissioner Reckhow moved, seconded by Vice Chair Howerton to amend the Unified Development Ordinance to change the zoning designation from Commercial Center (CC) and Science Research Park (SRP) to Science Research Park-Center (SRP-C) zoning for the property.

The motion carried unanimously.

15-656 Public Hearing - Unified Development Ordinance Text Amendment, Accessory Structures-Home Occupations (TC1500005)

Michael Stock, City-County Planning stated there were two changes to the text amendment. He stated the first change was to allow accessory structures to be located to the side of primary structures on property zoned Residential Suburban-20; the second change was to clarify the home occupation standards to allow the use of accessory structures for home occupations. Mr. Stock stated the Planning Commissioner recommended approval at the August 2015 meeting and asked the Board to take two motions for approval.

Chairman Page opened the public hearing. He noted that no one was signed up to speak and closed the public hearing. Chairman Page stated the item was back before the Board.

First Motion:

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

The motion carried unanimously.

Second Motion:

Vice Chair Howerton moved, seconded by Commissioner Jacobs to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 5, Use Regulations.

The motion carried unanimously.

Other Business:

15-680 Approval of Public-Private Project Agreement with Research Triangle Foundation of North Carolina for Park Center Phase I

Marqueta Welton, Deputy County Manager introduced the item and shared a slide show presentation. She stated the Board was requested to approve a public-private project agreement negotiated between Research Triangle Foundation in the amount of \$20 million dollars which would be paid over a ten (10) year period.

Bob Geolas, President and CEO, The Research Triangle Park (RTP) thanked the Board for their constant leadership and guidance. He acknowledged members of the foundation board and staff that were present. Mr. Geolas mentioned the advantages of the redevelopment of the Research Triangle Park and welcomed those of the community to speak in support of the item.

Commissioner Jacobs referred to Section 7/Exhibit C and questioned the naming of the Canal Green vs. the Water's Edge. Mr. Geolas stated they were playing around with the name and had yet to decide on the correct terminology. Commissioner Jacobs asked Ms. Welton if job tracking would take place with this development. Ms. Welton responded that this was a different type of agreement. She added job tracking normally took place under the economic development statute. Ms. Welton stated the partnership between the County and the foundation was to put the infrastructure in place to attract the clients who would provide the jobs.

Chairman Page recognized the citizens that signed up to speak.

Ginny Bowman, Phail Wynn, Bruce Sargent, Casey Steinbacher, Bill Shore, Robb Teer, Joan Rose, and Michael Goodman each from RTP Foundation thanked the Board for their leadership and support. They also discussed the potential growth in the RTP and commended Durham for great public-private partnerships.

Chairman Page thanked the speakers and stated the matter was back before the Board for comments.

Commissioner Reckhow thanked the RTP Board and staff for speaking about the project. She asked the Board to step in and help fund the infrastructure of the RTP Park Center.

Chairman Page, Vice Chair Howerton, and Commissioner Jacobs expressed their excitement for the anticipated development and thanked the RTP Board.

Commissioner Reckhow moved, seconded by Commissioner Jacobs to approve the public-private project agreement negotiated with Research Triangle Foundation of North Carolina in an amount of \$20 million dollars to be paid over 10 years for the development of the Park Center Project Phase I.

The motion carried unanimously.

Board and Commission Appointments:

Michelle Parker-Evans, Clerk to the Board, distributed ballots to the Board to make appointments to

boards and commissions.

The Board made the following appointments (incumbents are underlined.) Individuals listed in bold print were appointed:

Adult Care Home Community Advisory Committee

Marjenia Williams (Foster, Howerton, Jacobs, Page, Reckhow)

Audit Oversight Committee

Harrison Shannon Jr. (Foster, Jacobs, Page, Reckhow)

Community Child Protection Team/Child Fatality Prevention Team

Leonard Kovalick (Reckhow)

April Parker (Foster, Jacobs, Page, Reckhow)

Rick Pendergrass (Foster, Jacobs, Page)

Dangerous Dog Appeal Board

Terry Hill (Foster, Howerton, Jacobs, Page, Reckhow)

Durham Convention and Visitors Bureau Tourism Development Authority

Gerry Link (Page)

Caesar Swift (Foster, Jacobs, Reckhow)

Historic Preservation Commission

Benjamin Filippo (Page)

Ian Kipp (Foster)

James Leis (Jacobs, Howerton, Reckhow)

Library Board of Trustees

Beth Fowler (Howerton, Jacobs, Reckhow)

Taylor Harris (Page)

Victoria McGovern (Foster)

Nursing Home Community Advisory Committee

Mahmoud Kaddoura (Foster, Howerton, Jacobs, Page, Reckhow)

Marjorie Lipscomb (Foster, Howerton, Jacobs, Page, Reckhow)

Triangle Water Resources Committee

Michael Brewer (Foster, Howerton, Jacobs, Page, Reckhow)

Workforce Development Board

Farad Ali (Foster, Howerton, Jacobs, Reckhow)

DeWarren Langley (Page)

James R. Alston (Foster, Howerton, Jacobs, Reckhow)

Jacqueline Wagstaff (Page)

Closed Session:

Chairman Page stated the Board was requested to adjourn to Closed Session to pursuant to G.S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.

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

The motion carried unanimously.

Reconvene to Open Session:

Chairman Page announced that the Board met in Closed Session and provided direction to staff.

Adjournment:

Commissioner Reckhow moved, seconded by Vice Chair Howerton to adjourn the Regular Session meeting.

The motion carried unanimously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Monica W. Toomer". The signature is written in a cursive, flowing style.

Monica W. Toomer
Deputy Clerk to the Board.