

# **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, November 28, 2016

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)Help us update Durham County's Strategic Plan. Please go to tinyurl.com/durhamcountyplan to share your vision for what Durham County should be doing in the areas of community prosperity, health, safe and secure community, the environment and visionary government. This online community forum, which only takes a few minute to complete, will be live now through the end of the year. We greatly value your feedback as we refresh our Strategic Plan and plan for the future of Durham County.
- 2)Please contact the Clerk's Office at 919-560-0025 or <a href="clerk@dconc.gov">clerk@dconc.gov</a> to find out about opportunities to serve on one of our volunteer boards or commissions.
- 3)These announcements may also be found on the County's website or you may call the Clerk's Office at 919-560-0025.

#### **Minutes**

Commissioner Reckhow moved, seconded by Vice Chair Howerton to approve the November 7, 2016 Regular Session minutes.

The motion carried unanimously.

#### **Ceremonial Items**

# **Community Thank You to Board of County Commissioners**

Chairman Page stated the Board was requested to receive the community appreciation for its support and action taken to give employees paid leave off for parental leave. He introduced Beth Messersmith, NC Campaign Director of MomsRising to speak.

Ms. Messersmith stated there were more than 41,000 members statewide and 2,000 county-wide. She stated she was proud that Durham County was leading the way for paid parental leave for moms and dads. Ms. Messersmith presented the Board with a poster-sized card to express their thanks.

The Board thanked MomsRising and their partner organizations for showing their appreciation by the efforts of the Board.

#### Recognition of Outgoing County Commissioners Michael D. Page and Fred Foster, Jr.

Wendell Davis, County Manager honored Chairman Page and Commissioner Foster for their dedicated service as Commissioners of Durham County. He stated the community was indebted to them for their commitment to long hours, community and County engagement and for ensuring that the public business was conducted in a professional manner. County Manager Davis presented Chairman Page and Commissioner Foster each with a plaque and shared a presentation from other community leaders.

Commissioner Foster thanked his wife and his support system. He challenged everyone to take advantage of the opportunities before them and encouraged the citizens to advocate for the County. Commissioner Foster recalled the projects he assisted with during his tenure and asked everyone to not allow themselves to be marginalized during his absence.

Chairman Page thanked the staff for their presence, the members of Antioch Baptist Church, the members of Kappa Alpha Psi Fraternity and his wife Deborah Page. He also thanked the community and the members of the Board for their support during his leadership.

Commissioner Reckhow thanked Commissioner Foster for his service as a constant voice for the citizens of Durham County and for being the fiscally responsible member of the Board. Commissioner Reckhow stated since 2004 she served with Chairman Page and he was a very strong voice for re-entry, educational improvements and downtown revitalization. Commissioner Reckhow hoped Chairman Page and Commissioner Foster continue to serve the citizens of Durham County in some type of capacity.

Vice Chair Howerton thanked Commissioner Foster for his leadership both locally and nationally. She also stated it was a joy to work closely with Chairman Page as his Vice Chair.

Commissioner Jacobs mentioned it was a bittersweet moment. She stated she appreciated the role each member played on the Board. Commissioner Jacobs stated she appreciated Commissioner Foster's no non-sense approach on the issues of the County and she appreciated Chairman Page's leadership and his passion for fairness in the community.

#### **Consent Agenda**

Chairman Page asked the Board if they desired to pull any items from the Consent Agenda. A citizen requested to pull item #16-1401 and Commissioner Reckhow requested to pull item #16-1395.

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

\*16-1365 Property Tax Releases and Refunds for October 2016

16-1369 A Request to Adopt a Resolution to Schedule a Public Hearing on January 9, 2017 to Consider the Closing of a 220.66 Linear Foot Portion of Dickens Lane

\*16-1374 Budget Ordinance Amendment No. 17BCC000029 to Recognize \$556.00 from the NC DHHS Division of Public Health Epidemiology/Communicable Disease Section

16-1376 Award of Stirrup Iron Creek Lift Station Improvements, IFB 17-002

\*16-1377 Capital Project Amendment No. 17CPA000010 - Appropriation of \$679,000 of Collection System Rehabilitation Fund Balance to Project SE051

\*16-1378 Budget Ordinance Amendment No. 17BCC000028 to Recognize \$72,532.00 from the NC DHHS Division of Public Health Women's and Children's Health Section/Children and Youth Branch

16-1385 Contract Amendment for Third-Party Administrator Services with CorVel Enterprise Comp Inc (\$21,455.00)

16-1386 Contract with Pictometry International Corp to provide Oblique Imagery of the County

16-1391 Contract Amendment for Red Zone Resources Inc.

16-1399 Adoption of a New Minority and Women Business Enterprise (MWBE) Ordinance

\*16-1402 Approval of Budget Ordinance Amendment No. 17BCC000030 Appropriating \$284,446 of Lebanon Fire Tax Fund fund balance to fund 50% of a Fire Engine for the Lebanon Volunteer Fire Department

\*16-1405 Approval of Budget Ordinance Amendment No. 17BCC000031 Appropriating \$345,759 of Special Revenue and Fire District Fund fund balances and transferring \$65,604 of DCFR Service District budgeted funds to the General fund for Buildings and Ground Expenditures

\*16-1406 Official Closing of General Ledger Capital Project Funds with Balances Remaining in the Funds to the Debt Service Fund for the Retirement of Debt and Approval of Budget Ordinance Amendment No. 17BCC000035 Transferring the Balance of Cash and Cash Equivalents to the Debt Service

\*16-1407 Request Approval of Purchase of Software Licenses, the Implementation of OpenText Software and the Annual Maintenance of the Software and Approval of Budget Ordinance Amendment No. 17BCC000034 Appropriating \$422,746 from General Fund Fund Balance

\*16-1421 Budget Ordinance Amendment No. 17BCC000032 -Cooperative Extension Recognition of Annual Commercial Mail Allocation of \$3,140.00 from NC State University-CALS

\*16-1422 Budget Ordinance Amendment No.- 17BCC000033 Appropriating \$11,328 from General Fund Fund Balance to Create and Fund a Part-time .53 FTE Community Health Worker Position for the Mayor's Poverty Initiative/Transformation in Ten Project

The motion carried unanimously.

#### Consent Agenda Item #16-1365

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 2016.

#### October 2016 Releases and Refunds

Releases and Refunds for 2016 Taxes	
Real Property	\$ 132,178.99
Personal Property	\$ 13,912.23
Solid Waste Fees	\$ 317.62
VTS Refunds	\$ 14,600.58
Total for 2016 Taxes/Fees	\$ 161,009.42
Releases & Refunds for Prior Years	
20072015	
Personal Property	\$ 5,457.42
Motor Vehicles	\$ 138.10
Vehicle Fees	\$ 15.00
Solid Waste Fees	\$ <u>261.00</u>
Total for Prior Years	\$ 5,871.52
Grand Total	\$ 166,880.94

#### Consent Agenda Item #16-1374

## Durham County, North Carolina 2016-2017 Budget Ordinance Amendment Number 17BCC000029

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2016-2017 budget ordinance is hereby amended to reflect budget adjustments.

#### Revenue:

<u>Category</u>	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
Intergovernmental	\$59,596,337	\$556	\$59,596,893

#### **Expenditures:**

**Function** 

GENERAL FUND

Human Services \$95,837,132 \$556 \$95,837,688

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

This the 28<sup>th</sup> day of November 2016.

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#### Consent Agenda Item #16-1377

#### DURHAM COUNTY, NORTH CAROLINA 2016-17 Capital Project Ordinance Amendment Number 17CPA000010

#### BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2016-17 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

Capital Project	Current Budget	Inc./Dec.	Revised Budget
Collections System Rehabilitation Project FY 15 (SE051)	\$1,136,134.67	\$679,000	\$1,815,134.67

Adopted this the 28 <sup>th</sup> day of November, 2016.	
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#### Consent Agenda Item #16-1378

# Durham County, North Carolina 2016-2017 Budget Ordinance Amendment Number 17BCC000028

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2016-2017 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:			
Category	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND	-		-
Intergovernmental	\$59,523,805	\$72,532	\$59,596,337
Expenditures: Function GENERAL FUND Human Services	\$95,764,600	\$72,532	\$95,837,132
All ordinances and port	ions of ordinances in confli	ct herewith are hereby repe	ealed.
This the 28 <sup>th</sup> day of Nov	vember 2016.		

#### Consent Agenda Item #16-1402

#### Durham County, North Carolina 2016-2017 Budget Ordinance Amendment Number 17BCC000030

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2016-2017 budget ordinance is hereby amended to reflect budget adjustments.

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<u>Category</u>	Current Budget	Increase/Decrease	Revised Budget
SPECIAL REVENUE FUNDS			
Other Financing Sources	\$7,684	\$284,446	\$292,130
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Expenditures:			
<u>Function</u>			
SPECIAL REVENUE FUNDS			
Public Safety	\$3,372,990	\$284,446	\$3,657,436

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

This the 28<sup>th</sup> day of November 2016.

# Consent Agenda Item #16-1405

#### Durham County, North Carolina 2016-2017 Budget Ordinance Amendment Number 17BCC000031

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2016-2017 budget ordinance is hereby amended to reflect budget adjustments.

#### Revenue:

<u>Category</u>	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
Other Financing Sources	\$28,912,728	\$411,363	\$29,324,091
SPECIAL REVEUNE FUNDS			
Other Financing Sources	\$292,130	\$345,759	\$637,889
Expenditures:			
Function			
GENERAL FUND			
General Government	\$108,127,098	\$342,085	\$108,469,183
Public Safety	\$61,349,488	\$69,278	\$61,418,766
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SPECIAL REVENUE FUNDS			
General Government	\$8,521,339	\$411,363	\$8,932,762
Public Safety	\$3,657,436	-\$65,604	\$3,591,832

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

This the 28th day of November 2016.			

# Consent Agenda Item #16-1406

# Durham County, North Carolina 2016-2017 Budget Ordinance Amendment Number 17BCC000035

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2016-2017 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:	
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<u>Category</u>	<u>Current Budget</u>	Increase/Decrease	Revised Budget
<b>DEBT SERVICE FUND</b>			
Other Financing Sources	\$173,749,900	\$4,600,000	\$178,349,900
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Expenditures:			
Function			
<u>DEBT SERVICE FUND</u>			
General Government	\$174,538,119	\$4,600,000	\$179,138,119

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

This the 28th day of November 20	)16	

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# Consent Agenda Item #16-1407

# Durham County, North Carolina 2016-2017 Budget Ordinance Amendment Number 17BCC000034

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2016-2017 budget ordinance is hereby amended to reflect budget adjustments.

#### Revenue:

<u>Category</u>	Current Budget	Increase/Decrease	Revised Budget
<u>GENERAL FUND</u>			
Other Financing Sources	\$29,335,419	\$422,746	\$29,758,165
Expenditures:			
<u>Function</u>			
GENERAL FUND			
General Government	\$108,469,183	\$422,746	\$108,891,929

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

This the 28<sup>th</sup> day of November 2016.

#### Consent Agenda Item # 16-1421

#### Durham County, North Carolina 2016-2017 Budget Ordinance Amendment Number 17BCC000032

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2016-2017 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:			
<u>Category</u>	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
Intergovernmental	\$59,596,893	\$3,140	\$59,600,033
Expenditures:			
<u>Function</u>			
GENERAL FUND			
Economic and Physical			
Development	\$6,167,637	\$3,140	\$6,170,777
All ordinances and portions	of ordinances in confli	ict herewith are hereby rep	ealed.
This the 28 <sup>th</sup> day of Novem	ber 2016.		

# Consent Agenda Item #16-1422

# Durham County, North Carolina 2016-2017 Budget Ordinance Amendment Number 17BCC000033

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2016-2017 budget ordinance is hereby amended to reflect budget adjustments.

Revenue	:

<u>Category</u>	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND Other Financing Sources	\$29,324,091	\$11,328	\$29,335,419
Expenditures: Function			
GENERAL FUND Human Services	\$95,837,688	\$11,328	\$95,849,016

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

This the 28 <sup>th</sup> day of November 2016.	

# **Public Hearings**

Public Hearing - Zoning Map Change - Belden Landing (Z1600020)

Kyle Taylor, Planner stated the request was to change the zoning designation of 1.62 acres from Residential Suburban -20 (RS-20) to Commercial General (CG) located at 810 and 814 Belden Drive. He added Planning recommended approval 7-5 and asked the Board to conduct a public hearing and vote on both motions presented.

Commissioner Reckhow expressed her concern about the use of the general commercial zone being so close to a residential neighborhood and how it could have negative impacts. She asked Mr. Taylor what the recommendations were from the Planning Department. Mr. Taylor stated Planning did not make a recommendation, however they discussed options to identify other zoning options. Commissioner Reckhow asked if the possibility of using commercial neighborhood zoning was discussed. Mr. Taylor responded yes. Commissioner Reckhow mentioned that it was important to note that the street was designated as commercial and the lots behind the property should remain single family. She also expressed her concern that without the development plan, the County would not be able to protect the single family homes.

Commissioner Jacobs referenced the staff report (page 7) and stated the impact of the proposed designation would place both Angier Ave and South Miami Blvd over capacity. Sarah Young, Planning, responded the net impact would place both areas over capacity. Commissioner Jacobs stated the Board should be very careful with evaluating the proposal and looked forward to hearing from the applicant.

Vice Chair Howerton asked for more information on the proposal. Ms. Young restated the applicant's purpose of the property and the Planning department's considerations of traffic and infrastructure impacts.

Commissioner Foster asked if there were comments of those in opposition to the applicant. Ms. Young responded no one spoke for or against the proposal. Commissioner Foster inquired about neighbors of the surrounding area, asking if they provided comments. Ms. Young responded no.

Chairman Page opened the public hearing and allowed the applicant to speak on the item.

David Monson, applicant, stated the property was purchased for residential use. He stated leasing the property was difficult and he was offered the option by a law office to rent the home as a business space. Mr. Monson requested to change from RS-20 to Commercial General.

Commissioner Reckhow asked given the plans, if Mr. Monson would be opposed to rezoning to Office Institutional (OI). Mr. Monson responded he would be open to that suggestion if that was the only way to get the property changed to commercial. Commissioner Reckhow stated it would not be wise to change the zoning to Commercial General due to the location. She recommended Mr. Monson meet with City-County Planning to discuss other options.

Ms. Young clarified for the Board and the applicant that a change to the OI zone would require a change in the underlying future land use because it was currently commercial. She added that change would allow extra steps in the process.

Commissioner Jacobs stated she would be in support of the zoning change to Commercial Neighborhood (CN) if that continued to be an option.

Mr. Monson responded he would be open to the CN option if he could get more information.

Commissioner Reckhow explained the difference between CN and CG. Chairman Page closed the public hearing and stated the matter was back before the Board.

#### First Motion:

Commissioner Reckhow moved, seconded by Commissioner Jacobs to adopt the consistency statement.

The motion carried unanimously.

#### Second Motion:

Commissioner Reckhow moved, seconded by Vice Chair Howerton to change the zoning from Residential Suburban -20 (RS-20) to Commercial Neighborhood (CN) zoning for the property.

The motion carried unanimously.

#### **Items Pulled From Consent Agenda**

# 16-1395 - Consideration of Public Private Partnership Agreement for Renovation of W.G. Pearson School

Commissioner Reckhow stated she agreed with the item but wanted clarification on what was being approved because Exhibit A was left blank. Drew Cummings, Chief of Staff responded the memo was later included as Exhibit A and the Memorandum of Understanding (MOU) would also be attached as Exhibit B. Commissioner Reckhow stated it was important to know the memorandum on the Student U letterhead outlined the programming and plans. She stated this was an exciting partnership for Durham County and hoped and expected that the W.G. Pearson facility would become a resource center for people in the community (during the summer and after school hours). Commissioner Reckhow continued to say this was a great way to impact the community in a favorable manner by providing outreach to neighboring communities.

Commissioner Jacobs stated the future MOU would address the use of the building and the future goals of Student U. She suggested an additional line for long term goals be added as well. Commissioner Jacobs continued to say by entering into this partnership, the County was making another significant investment in the community.

Vice Chair Howerton moved, seconded by Commissioner Jacobs to approve the Public Private Partnership for Renovation of W. G. Pearson.

The motion carried unanimously	<b>7.</b>

# <u>16-1401 - Reject the Bids Received for 704 Eva Street and 518 Boone Street and Approve the Sale of 704 Eva Street and 518 Boone Street to the City of Durham</u>

Chairman Page stated the item was pulled by a citizen. He acknowledged Joshua Jensen to speak.

Mr. Jensen stated he was a Durham City/County landlord who owned 19 properties that were rented to Section 8 participants. He asked the Board to adhere to their own guidelines of the Affordable Housing

Policy before selling the lots to the City. Mr. Jensen added if the purchase of 518 Boone Street moved forward, he planned to build 10 rental units and rent them all to Section 8 participants from the Durham Housing Authority.

Chairman Page inquired about the type of units being built. Mr. Jensen stated the City approved the use of ten rental units so there would be five (5) duplexes on the property. Chairman Page reiterated his concern that the policy eliminated buyers in the community from purchasing the property. He added he wanted to make sure citizens were allowed to purchase without giving the property to the City. Ms. Korest responded when the property was conveyed to the City, per their policy, they would work with housing providers to increase the stock of renter and owner owned core housing.

Ms. Korest added when involved, the County was not allowed to ensure if the property would be used for affordable housing or not. She stated the issue with this item was the City's Affordable Housing policy was passed after the time period of the upset bid process. Ms. Korest continued to say with the selling of the property to citizens, the County could not place restrictions on the sale, whereas, the City's Affordable Housing policy ensured the property remained labeled affordable housing.

Commissioner Reckhow stated the purchaser indicated he wanted to provide affordable housing through Section 8. She asked if the County could put restrictions on the deed to ensure the property would be used for that purpose. Mr. Jensen responded that he would be happy to sign documentation stating the use of the property. Willie Darby, Senior Assistant County Attorney interjected that restrictions could not be placed on a deed.

Commissioner Foster asked if the purchaser could voluntarily add the information to the deed. Mr. Darby responded the purchaser could voluntarily add the wording, but it would be the County's responsibility to police the property to ensure it was being used for that purpose.

Commissioner Reckhow stated there were limited affordable housing dollars and with this property being used for that purpose privately, it would free up City dollars to be used elsewhere.

Commissioner Jacobs stated this location's interested buyer was Habitat for Humanity. She asked if Habitat made it known to the County their interest in the purchase prior to the bid process. Ms. Korest stated Habitat placed an initial bid on the property however, staff recommended the rejection of the bid and the conveyance to the City because they were part owner through taxes owned. She added the City was interested in obtaining and using the property to further affordable housing objections. Commissioner Jacobs asked if the City could partner with Mr. Jensen. Keith Chadwell, Deputy City Manager stated it would be the City's intention to dispose the property through the normal channels.

Commissioner Foster commented that the County was not being fair with Mr. Jensen. He stated Mr. Jensen went through process and completed all the steps needed for this property and was still rejected. Commissioner Foster stated he was not in favor of the rejection.

Commissioner Reckhow added there was a long wait list for Section 8 and private ownership could speed the process up.

Chairman Page expressed his concerns from previous conversations on this topic and he felt the County should allow citizens to purchase property if the use would remain in line with the County's vision. He added there as critical need and it was promised by Mr. Jensen that it would be used for affordable housing.

Commissioner Jacobs asked for clarification on the timeline of the upset bid process. Ms. Korest stated it began May 23, 2016; City Council adopted the new Affordable Housing policy on June 2, 2016 and Mid-June/Early-July the County was informed that the City was interested in the properties.

#### First Motion:

Commissioner Reckhow moved, seconded by Vice Chair Howerton to accept the high bid for 518 Boone Street for \$60,000 from Joshua Jensen with a commitment for Affordable Housing.

The motion was as follows:

Ayes: Foster, Howerton, Page, Reckhow

Noes: Jacobs

#### Second Motion:

Commissioner Reckhow moved, seconded by Vice Chair Howerton to sell 704 Eva Street to the City for the amount of \$3,391.30.

The motion carried unanimously.

#### **Board and Commission Appointments**

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

Christa Gaston (Foster, Howerton, Jacobs, Reckhow, Page)

Harvey Kirby (Foster, Howerton, Jacobs, Reckhow, Page)

**Alice Peterson** (Foster, Howerton, Jacobs, Reckhow, Page)

Anne Schneider (Foster, Howerton, Jacobs, Reckhow, Page)

**Tashana Waller** (Foster, Howerton, Jacobs, Reckhow, Page)

#### Bicycle and Pedestrian Advisory Commission

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

#### Homeless Services Advisory Committee

**Angeloe Burch** (Foster, Howerton, Page)

Erica Maddox (Jacobs, Reckhow)

#### Adjournment

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

The motion carried unanimously.

Respectfully Submitted,

Monica W. Toomer

Deputy Clerk to the Board