



Durham County

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

Meeting Minutes

Board of County Commissioners

Monday, April 23, 2018

7:00 PM

Commissioners' Chambers

Regular Session

Opening of Regular Session - Pledge of Allegiance

Agenda Adjustments

Chair Jacobs stated there were no agenda adjustments

Announcements

Chair Jacobs read the following announcements:

1) Please visit the following sites below for information on upcoming meetings of interest:

- NC 98 Corridor Study – Last Round of Public Meetings Scheduled for April 2018!
http://nc98corridor.com/get_involved/news#article6; <http://nc98corridor.com/>
- NC 54 West Corridor Study – Dates for Public Workshop #2 <http://nc54west.com/get-involved.asp>; <http://nc54west.com/>
- RTA May 2018 Summit Series – <http://letsgetmoving.org/events/rta-2018-summit-series/>

2) GoTriangle – Obtain updates on the light rail design at an open house in April on Thursday, April 26, 6 – 8 pm at the Holton Career & Resource Center, 401 N. Driver Street. If you can't make the meeting in person, we'd love to have you participate online! Obtain the information you need and share your thoughts at: lightrailonline.com. You can provide input online through May 11. If you need special accommodations such as translation or interpretation, contact GoTriangle at 919.485.7572 five days before the meeting to make arrangements.

3) The Partnership Effort for the Advancement of Children's Health will sponsor a town hall meeting held to discuss the importance of protecting children from lead paint poisoning. The dinner event will be held on Thursday, April 26th at the Antioch Baptist Church, 1415 Holloway Street. RSVP to this email or call 984-244-0106.

- 4) The public is invited to provide their input regarding upfront sewer system development fees (SDFs) for Durham County customers' tributary to the Triangle Wastewater Treatment Plant. Durham County Engineering and Environmental Services Department is working to analyze these fees in order to ensure compliance with the new law North Carolina House Bill 436 (HB 436). Residents interested in submitting a public comment on the recent SDF analysis or future plans for Durham County's SDF should visit the County's Utilities webpage. **The public comment period will end on May 27, 2018.**
- 5) Citizens desiring to cast an early ballot for the upcoming Durham Public Schools Board of Education election and/or the Primary Election for U.S. House of Representatives, Durham County Sheriff and Durham County District Attorney will have the chance beginning Thursday, April 19, 2018. Early voting will be offered at multiple locations in Durham including the Board of Elections Office, located at 201 N. Roxboro Street in downtown Durham. For more information about additional sites and the elections held in Durham County, visit dconc.gov/elect or call 919-560-0700.
- 6) There will be a public dialogue between justice involved individuals and the community exploring successful reintegration on Tuesday, April 24, 2018 – 4:00 – 6:00 pm at the Durham Criminal Justice Resource Center in the Multipurpose Room, 326 E Main Street. This event is sponsored by the Durham Local Reentry Council.
- 7) The Durham County Department of Veteran Services is holding a benefits fairs on Saturday, April 28th where veterans and their dependents will be able to get assistance with filing claims for a number of VA benefits, such as: compensation, pension, survivors' benefits, life insurance, and burial benefits. Veterans will also be able to register for U.S. Department of Veterans Affairs medical care and apply for other state and local veteran benefits. The event will take place at the Bahama Ruritan Club, 8202 Stagville Rd., Bahama, NC, from 9 a.m.-3 p.m. For additional information, contact Durham County Veteran Services at (919) 560-8387 or email to veteranservices@dconc.gov.
- 8) Commissioner Howerton announced she would like a resolution prepared in support of the VOTE NO Agricultural and Nutrition Act of 2018. She provided information to assist with the resolution to the Clerk's Office.
- 9) Chair Jacobs invited the public to engage in the Successful Reentry: A Panel Discussion on Tuesday, April 24, 2018 from 4pm-6pm at the Criminal Justice Resource Center. She stated the event was sponsored by The Religious Coalition.
- 10) Commissioner Carter announced May as Durham Bike Month. All activities planned could be found at www.bikedurham.org

Minutes

Commissioner Howerton moved, seconded by Commissioner Reckhow to approve the April 9, 2018 Regular Session minutes and the April 14, 2018 PAC-4 meeting minutes.

The motion carried unanimously.

Ceremonial Items

Resolution Honoring V. Michelle Parker-Evans

Chair Jacobs read the following resolution:

V. MICHELLE PARKER-EVANS

WHEREAS, V. Michelle Parker-Evans first joined Durham County Government 1985 serving until 1991, left for a short time to return from 2000-2005, and finally returning as Clerk to the Board in 2009; and

WHEREAS, she will retire from Durham County on May 1, 2018, after amassing an impressive portfolio spanning 31 years of service in local government; and

WHEREAS, she has created a legacy of excellence, strong leadership and mentorship, commitment to professionalism, and proficiency in discharging her administrative responsibilities to the Board of County Commissioners; and

WHEREAS, Parker-Evans has garnered the respect of the Durham Board of County Commissioners as she has exhibited determination, excellent judgement and diplomacy in many challenging situations; and

WHEREAS, she has developed thorough knowledge of applicable laws, ordinances and regulations and has a record of efficiency and transparency applauded by her peers; and

WHEREAS, Parker-Evans became a North Carolina Certified County Clerk in 2011, a Certified Municipal County Clerk Certification from the International Institute of Municipal Clerks in 2012 and most recently a North Carolina Master County Clerk in 2018; and

WHEREAS, her pledge to be of service has been recognized on numerous occasions and vital in her roles as both treasurer and secretary of the Board of Directors for the North Carolina Association of County Clerks and while serving on many of the Association’s committees; and

WHEREAS, the Durham Board of County Commissioners takes great pleasure in recognizing Parker-Evans for her professional achievements and expresses gratitude for her commitment to the Office of the Clerk to the Board and to the people of Durham.

NOW, THEREFORE, BE IT RESOLVED, that we the members of the Durham County Board of Commissioners do hereby extend grateful appreciation to

V. MICHELLE PARKER-EVANS

for dedicated service to Durham County Government. She will long be remembered for her leadership style and invaluable contributions to the enhancement of the Office of the Clerk to the Board.

BE IT FURTHER RESOLVED that we wish her continued success in all her endeavors including the pursuit of health, happiness and prosperity as she begins a new journey in her life!

This the 23rd day of April, 2018.

Wendy Jacobs, Chair

James Hill, Jr., Vice-Chair

Heidi Carter

Brenda A. Howerton

Michelle Parker-Evans stated it was an honor to serve this Board as well as all previous Boards and the citizens of Durham County for the past 31 years. She added although she was retiring from her position, Durham was the place she called home. Ms. Parker-Evans thanked the Board and those in attendance for the recognition.

Commissioner Reckhow recalled memories of the first time she met Ms. Parker-Evans and shared how dedicated, quiet and available she was during her time with Durham County.

Commissioner Howerton congratulated Ms. Parker-Evans and thanked her for providing continuity to the Board since her arrival 10 years ago. She shared how difficult it was to manage five (5) Commissioners yet, Ms. Parker-Evans did the job with such ease that the Board never questioned her work.

Commissioner Carter stated no matter the time or day, when Ms. Parker-Evans was needed, she was always available. She shared that Ms. Parker-Evans was always concerned about the well-being of the Board and she would truly be missed.

Wendell Davis, County Manager took the opportunity to bid Ms. Parker-Evans well during her retirement. He continued to say that Ms. Parker-Evans had shown professionalism, received numerous achievements during the course of her career and he wished her well.

Lowell Siler, County Attorney hoped that the Board and staff knew how blessed the County was to have a dedicated County Clerk like Ms. Parker-Evans. He mentioned Jack Bond, Former County Manager, who observed Ms. Parker-Evans and brought her on-board. County Attorney Siler stated she was an epitome of a public servant who was always available and making sure that everyone was well taken care of.

Proclamation - Durham Reentry Week

Chair Jacobs read the following proclamation:

DURHAM REENTRY WEEK | 2018

WHEREAS, more than 700 Durham County residents return to our community from state and federal prisons and nearly 8,000 cycle through our local detention facility annually; and

WHEREAS, Durham County Government and its Board of County Commissioners have been supporting reentry and rehabilitation efforts in Durham County for more than 27 years; and

WHEREAS, effective reentry programs offer the chance for a better life to those who return from our nation's corrections facilities; and

WHEREAS, it is up to all of us, working together, to emphasize the importance of these programs and policies that make such a positive and lasting difference, not only to the individuals served, but to the communities in which they return; and

WHEREAS, over the last nine years, the Department of Justice has partnered with state, local and tribal agencies as well as national organizations to support hundreds of reentry programs across the country, yet the demand for effective reentry programs continues to remain high; and

WHEREAS, in an effort to highlight the important work of these services, the Governor has designated April 23-27, 2018 as “Reentry Week” and has called upon communities across the state to plan activities; and

WHEREAS, Durham County Board of County Commissioners joins this effort to highlight the value of local reentry programs and calls upon the community to support their work. The investments we make today will greatly benefit returning citizens and overall public safety in Durham County.

NOW, THEREFORE, I, Wendy Jacobs, Chair of the Durham Board of County Commissioners and on behalf of the Durham County Board of Commissioners, do hereby proclaim the week of April 23-27, 2018 as

“DURHAM REENTRY WEEK”

in Durham County, and urge all citizens to join in recognizing the importance of helping justice involved individuals positively transition into becoming law abiding and productive members of the community.

This the 23rd day of April, 2018.

Wendy Jacobs, Chair
Durham Board of County Commissioners

Roshanna Parker, Assistant Director Criminal Justice Resource Center and Ben Haas, Executive Director of the Religious Coalition for a Non-Violent, thanked the Board for the proclamation and highlighted the events planned during Durham Reentry Week.

Commissioner Howerton thanked Ms. Parker and Mr. Hass for their dedication and work with this program.

Proclamation - National Correctional Officers and Employees Week

Commissioner Reckhow read the following proclamation:

NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK | 2018

WHEREAS, Correctional officers and employees are capable, committed, patient and persistent professionals. They serve admirably in correctional facilities all across the country as chaplains, teachers, counselors, supervisors, managers and directors. They help keep our citizens and communities safe. Correctional officers and employees teach, train, mentor, preach and cure; and

WHEREAS, though the job of correctional officers and employees is often very challenging and, at times, stressful, the thousands who work the corrections profession every day perform their duties well and with great pride. They are brave, courageous and tenacious individuals who put their lives and health at risk every day to keep the public safe and provide a multitude of services to the nation’s offenders. They have a tremendous responsibility and are owed our nation’s gratitude; and

WHEREAS, Correctional officers are most deserving of our respect, our thanks and the highest praise. They are well-trained, always on watch and prepared to meet any challenge. The men and women working in corrections make a difference in our communities; and

NOW, THEREFORE, I, Wendy Jacobs, Chair of the Durham Board of County Commissioners and on behalf of the Durham County Board of Commissioners, do hereby proclaim the week of May 6 – 12, 2018 as

“NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK”

in Durham County, and on behalf of the American Correctional Association and our thousands of members in the U.S. and internationally, we commend all those who currently serve in the corrections profession, those who have served and those who have given their lives in pursuit of this most honorable profession.

This the 23rd day of April, 2018.

Wendy Jacobs, Chair
Durham Board of County Commissioners

Sheriff Mike Andrews sent his best to Michelle Parker-Evans on her retirement and expressed his appreciation for the Criminal Justice Resource Center on the local reentry. He thanked all Detention Officers and employees for their hard work and providing safety to County citizens.

Chair Jacobs recognized all officers in attendance.

Commissioner Howerton thanked the officers for sacrificing their lives and keeping Durham County citizens safe.

Proclamation - May 2018 Children’s Mental Health Awareness Month

Commissioner Carter read the following proclamation:

CHILDREN’S MENTAL HEALTH AWARENESS MONTH | 2018

WHEREAS, to promote awareness of positive mental health, well-being and development for all children, youth and young adults ages birth through 26 years in North Carolina; and

WHEREAS, the leadership in Durham, North Carolina recognizes that mental health needs and treatment be on par with medical needs and treatment; and

WHEREAS, families shall not feel stigma and shame to seek treatment for their children and youth and be able to discuss openly their need for help without public retribution; and

WHEREAS, children’s mental health promotion needs to be available to everyone. Education on the identification and use of child strengths to support success and promote mental health as well as anti-stigma, inclusion and social skills education should be available to all citizens of North Carolina; and

WHEREAS, available school based mental health programs and positive behavior, interventions and supports should be considered as best practice, and be encouraged to be practiced in every Durham, North Carolina public school; and

WHEREAS, children are recognized for having unique needs for recovery of mental health, emotional, behavioral and substance use issues, and not being combined with the adult mental health population for treatment; and

WHEREAS, effective mental health treatment services to strengthen families, youth leadership development and family partner/peer supports results in children and youth overcoming trauma, becoming successful and contributing Durham, North Carolina citizens in a safe environment in their homes, schools and communities; and

WHEREAS, Durham County Commissioners, North Carolina Mental Health Planning and Advisory Council, National Federation of Families for Children’s Mental Health, Alliance Behavioral Healthcare, NC Families

United, the NC State Children’s Collaborative and the families, NAMI-NC, Public Health, Department of Social Services, all medical and legal entities, and communities who have children, youth and young adults struggling with emotional and behavioral health issues join to recognize Children’s Mental Health Awareness month and safety; and

NOW, THEREFORE, I, Wendy Jacobs, Chair of the Durham Board of County Commissioners and on behalf of the Durham County Board of Commissioners, do hereby proclaim May 2018 as

“CHILDREN’S MENTAL HEALTH AWARENESS MONTH”

in Durham County, and commend its observance to our citizens

This the 23rd day of April, 2018.

Wendy Jacobs, Chair
Durham Board of County Commissioners

Chair Jacobs thanked Teka Dempson, Family Partner Coordinator, Alliance Behavioral Healthcare, for being a champion in the community.

Ms. Dempson thanked the Board for the proclamation and shared a story about a child who overcame her disadvantages. She also shared events that would take place during the week, and asked all citizens to refer to the website www.alliancebhc.org/provider-news for more information.

Consent Agenda

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

Item 18-0764 – Chair Jacobs acknowledged staff for the project acquiring 100 percent in Minority Women and Business Enterprise participation.

Item 18-0782 – Chair Jacobs acknowledged the letter and shared how the Board backed the decision of Durham Public School to provide affordable housing to teachers.

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

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

18-0745 Interlocal Cooperation Agreement for the Division of Sales Tax between the County of Durham and the City of Durham July 1, 2018 – June 30, 2023

*18-0750 Property Tax Releases and Refunds for March 2018

18-0757 2017 Durham City-County Appearance Commission Annual Report

18-0758 2017 Durham Open Space and Trails Commission Annual Report

18-0759 2017 Environmental Affairs Board Annual Report

18-0761 2017 Historic Preservation Commission Annual Report

18-0762 2017 Durham Planning Commission Annual Report

18-0764 Award of the Influent Pump Station Back-Up Power Modification (IFB 18-001 Rebid 2) contract to MV Electric, LLC in the amount of \$739,500

18-0767 2017 Board of Adjustment Annual Report

18-0777 Appointment to Alliance Behavioral Healthcare Board of Directors

*18-0770 Resolution - North Carolina School Bonds

18-0779 Appointment - Transit Citizen Advisory Committee

18-0782 Approval of Letter Requesting Special Legislation Regarding Disposal of School Property for Creation of Teacher Housing

The motion carried unanimously.

Consent Agenda Item #18-0750

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 March 2018.

Releases and Refunds – March 2018

Real Property	\$ 0.00
Personal Property	\$ 2,462.59
Solid Waste Fees	\$ 0.00
VTS Refunds	\$ <u>16,469.09</u>
Total	\$ 18,931.68

Releases and Refunds for Prior Years

2014 – 2017

Personal Property	\$ 7,186.85
Real Property	<u>11,926.52</u>
Total	\$ 19,113.37
 Grand Total	 \$ 38,045.05

Consent Agenda Item #18-0770

Commissioner Howerton read the following resolution:

NORTH CAROLINA SCHOOL BOND

WHEREAS, historically the primary responsibility for funding capital and infrastructure needs for public school districts in North Carolina has rested with localities, with the State providing important supplemental dollars through various measures, including statewide bond issues; and

WHEREAS, many localities across the state, including Durham County, are dealing with serious challenges in generating the local dollars to keep pace with the needs for new school buildings and upgrading/modernizing/enhancing existing school facilities; and

WHEREAS, State financial support for public school capital has dwindled over the past two decades, as a statewide bond for school capital has not been issued since 1996 and a corporate tax earmark for school capital was eliminated in 2009; and

WHEREAS, counties were promised 40% of the proceeds from the NC Education Lottery when it was established in 2005; localities planned school projects and construction budgets around this promise, but the lottery construction money has been cut by more than half of what was promised, with the money diverted to other areas of the State budget; and

WHEREAS, the combination of growing student population (Durham County has added 1,900 students over the past 10 years, not including charter growth), rising construction costs and decreased State financial support has led to delayed school construction projects; the five-year backlog of needed school capital projects has reached \$8.1 billion statewide, according to DPI's most recent survey; and

WHEREAS, in Durham County, the backlog of school capital needs is over \$300 million and the average age of school buildings is 46 years; and

WHEREAS, this backlog has resulted in students in Durham County being taught in overcrowded classrooms, deteriorating school buildings, and 97 modular units; and

WHEREAS, in addition to negatively impacting student learning, this backlog of school construction needs also harms economic development and housing prices in Durham County; and

WHEREAS, even if the NC Education Lottery allocation were fully restored to 40%, it would still take approximately 30 years to generate enough funding through the lottery to pay down the backlog of school capital needs across the state; and

WHEREAS, the new K-3 class size requirements will add to this backlog, as Durham County will have to construct 90 new classrooms to meet the K-3 class size requirements; and

WHEREAS, on average every 10 years the State assisted localities with school construction needs through a statewide school bond issue, but a statewide school bond issue has not occurred since 1996; and

WHEREAS, HB 866/SB 542 would place a \$1.9 billion statewide school construction bond on the November 2018 ballot, which should include some new school construction money for Durham County; and

WHEREAS, HB 866/SB 542 would provide a significant one-time infusion of dollars to kick-start school construction and renovation/repair projects, creating jobs in every county and spurring economic development; and

WHEREAS, Durham County's students, as well as all North Carolina students, deserve to be educated in modern 21st century facilities.

NOW, THEREFORE BE IT RESOLVED, the Durham County Board of County Commissioners respectfully requests that the NC Chamber ask the General Assembly to pass HB 866 allowing a statewide school construction bond to be placed on the November 2018 ballot.

This the 23rd day of April, 2018.

Wendy Jacobs, Chair

James Hill, Vice Chair

Heidi Carter

Brenda A. Howerton

Public Hearings

Public Hearing - Unified Development Ordinance Text Amendment, Design District Streetscape Alternative (TC1700007)

Michael Stock, Senior Planner, stated the following about the item:

“Text amendment TC1700007 is a privately-initiated amendment submitted by Tim Summerville of Stewart, LLC. Current Design District standards (Downtown Design District (DD) and Compact Design District (CD)), initially adopted in 2010 with subsequent amendments, prescribe specific amenities for the streetscape within the public right-of-way (benches, receptacles, street trees, etc.) and, in many instances, a specific design or standard for the amenity. The request is to allow for an alternative set of standards for a large, contiguous area within a design district.”

Chair Jacobs opened the public hearing. No one was signed up to speak. Chair Jacobs closed the public hearing.

Chair Jacobs stated the property was purchased by a private party and she was thrilled with the idea of them creating a sense of identity and branding in areas of Downtown Durham.

Commissioner Reckhow asked if this type of approach would be possible in any transit oriented development area. Mr. Stock responded moving forward it would be applicable unless there was something unique about the areas. Commissioner Reckhow stated that would be great given the expansion of the areas.

First Motion:

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

The motion carried unanimously.

Second Motion:

Commissioner Reckhow moved, seconded by Commissioner Carter to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to amend Article 16, Design Districts.

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 identified with an (i). Individuals who are recommended by a Board are underlined.) Individuals listed in bold print were appointed.

Citizen Advisory Committee

Matt Lawing (Carter, Howerton, Jacobs and Reckhow)

City-County Appearance Commission

(i) Jessica Braverman (Carter, Howerton, Jacobs and Reckhow)

City County Committee on Confederate Monuments and Memorials

Watson Jennison (Carter, Howerton, Jacobs and Reckhow)

Susanna Lee (Carter, Howerton, Jacobs and Reckhow)

William O'Quinn (Carter, Howerton, Jacobs and Reckhow)

Jacobs Rogers (Carter, Howerton, Jacobs and Reckhow)

Dominique Walker (Carter, Howerton, Jacobs and Reckhow)

Durham County Hospital Corporation (DCHC)

Patricia Francis (Carter, Howerton, Jacobs and Reckhow)

Barbara Hendrix (Carter, Howerton, Jacobs and Reckhow)

Curtis Lawson (Carter, Howerton and Jacobs)

Eric Moore (Carter, Howerton, Jacobs and Reckhow)

Thomas Murphy (Carter, Howerton, Jacobs and Reckhow)

Katherine Thomas (Reckhow)

Memorial Stadium Authority

Tyrone Wilson (Carter, Howerton, Jacobs and Reckhow)

Nursing Home Community Advisory Committee

(i) Lascel Webley (Carter, Howerton, Jacobs and Reckhow)

Closed Session

Chair Jacobs stated the requested to adjourn to Closed Session for the following:

1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes per G.S.143-318.11(a)(1);

2) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged per G.S.143-318.11(a)(3); and

3) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session per G.S.143-318.11(a)(6).

4) According to NC General Statute 143-318.11(a)(3) in reference to Welton vs. Durham County et.al MD and C file 17-cv-258 to consult with an attorney employed or retained by the public body in order to preserve the attorney client privilege between the attorney and the public body which privilege is hereby acknowledged.

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

The motion carried unanimously.

Reconvene to Open Session

Chair Jacobs asked to entertain a motion to appoint Terri Hugie as Clerk to the Board effective May 7, 2018 with a salary of \$85,000.

Commissioner Reckhow moved, seconded by Commissioner Howerton to appoint Terri Hugie as Clerk with the above mentioned salary.

The motion carried unanimously.

Adjournment

Commissioner 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