

**THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA**

Monday, January 27, 2020

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Chambers, Second Floor, Durham County Government Administrative Complex, 200 East Main Street, Durham, North Carolina

Present: Chair Wendy Jacobs, Vice-Chair James Hill and Commissioners Heidi Carter, Brenda Howerton and Ellen Reckhow

Presider: Chair Wendy Jacobs

Opening of Regular Session - Pledge of Allegiance

Agenda Adjustments

Chair Jacobs announced that there were no agenda adjustments.

Announcements

Chair Jacobs read the following announcements:

1. **Youth Listening Project** – The Office on Youth is hosting a Youth Listening Project to capture youth voices between the ages of 13 – 24 and caregivers of children in Durham. This event will be held on Tuesday, January 28, 2020 from 5:00pm – 7:15pm at the LGBTQ Center of Durham located on 114 Hunt Street.

Due to limited space, please email alice.frazier@durhamnc.gov or text 984-260-6703 to save your seat.

2. **GoDurham to add New Routes and Night Service** – Starting Saturday, January 25, 2020 GoDurham will include two additional high frequency routes (Chapel Hill Road to South Square and Fayetteville Road to MLK Jr. Pkwy) along with additional service at night.

For detailed information on the new routes and additional services, please visit <https://godurhamtransit.org/service-changes>

3. **Voting Information for the March 3, 2020 Primary Election is a follow:**
 - Photo ID is **NOT** required for the 2020 Primary Election
 - The voter registration deadline for the primary election is February 7th
 - Absentees-by-mail voting request deadline is February 25th and they must be returned to the Board of Elections by Tuesday, March 3rd

- Early voting for the primary election begins Thursday, February 13th and ends Saturday, February 29th.

For full details on early voting and other important information, please visit www.dcovotes.com

4. **Tax Administration Programs and Offerings** – The Durham County Tax Administration will begin accepting applications for the Hardship Payment Plan and will begin offering Property Tax Relief Programs to qualifying elderly, disabled and U.S. Veteran Homeowners.

For more information please visit www.dconc.gov/tax, email tax_assessor@dconc.gov or call 919-560-0300.

Commissioner Howerton asked if a plan of action was established to ensure the displaced residents of McDougal Terrace would be able to vote. Jodi Miller, General Manager responded she was not aware of specific plans and would contact the Durham Housing Authority.

Minutes

Commissioner Reckhow moved, seconded by Commissioner Howerton to approve the November 4, 2019 Work Session minutes and January 13, 2020 Regular Session minutes.

The motion carried unanimously.

Ceremonial Items

Introduction of Rodney Jenkins – New Public Health Director

Rodney Jenkins, Public Health Director stated he was humbled to be able to serve a diverse community and work with the health care professionals in Durham to endeavor and advance public health with positive outcomes.

The Board welcomed Mr. Jenkins as a partner and leader in the Durham Community.

Chair Jacobs welcomed the 91st Civil Affairs Battalion (Special Operations) (Airborne) to the meeting. Captain Juan Curos stated the battalion was scheduled for deployment with the Operation Focus on Africa. He added the battalion was visiting and learning more information about local government to use while deployed to West Africa.

Vice-Chair Hill welcomed the battalion and stated his father was in the Special Forces. Wendell Davis, County Manager announced this was the third year the County collaborated with the Civil Affairs Division.

Consent Agenda

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

Commissioner Howerton asked for an explanation of item 20-0039. Marsha Basloe, President Childcare

Services Association replied every year the National Association of Counties (NACo) asked communities to provide information for the policy agenda and she asked the Board to submit a Policy Resolution for the 2020 Legislation Conference. Commissioner Howerton asked if the Policy Resolution was connected to the Pritzker Grant. Ms. Basloe responded the resolution could be connected to the grant once approved.

Directive: Commissioner Carter asked that a copy of the resolution be shared with the Board once completed.

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

Commissioner Carter moved, seconded by Commissioner Reckhow to approve all items on the Consent Agenda.

The motion carried unanimously.

*20-0019 Property Tax Releases and Refunds for November 2019.

*20-0021 Property Tax Releases and Refunds for December 2019.

20-0033 Approval of the Purchase of Goods contract(s) with various vendors for the Private Office, Conference and miscellaneous furnishings from the U.S. Communities/GSA and/or NC State Contracts Buying Programs for the Phases 1 and 2 of the Durham County Administration 1 Renovation Project No.: 4730DC137.

20-0039 Policy Resolution for 2020 NACo Legislative Conference.

Consent Agenda Item #20-0019

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 November 2019.

Releases and Refunds – November 2019

Real Property	\$ 37,219.34
Personal Property	\$ 12,341.48
Solid Waste	\$ 158.81
VTS Refunds	\$ <u>16,328.92</u>
Total	\$ 66,048.55

Releases & Refunds for Prior Years
2014 - 2018

Personal Property	\$ 1,654.25
Solid Waste	\$ 0.00
Real Property	\$ <u>904.86</u>
Total	\$ 2,559.11
Grand Total	\$ 68,607.66

Consent Agenda Item #20-0021

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 December 2019.

Releases and Refunds – December 2019

Real Property	\$ 65,106.53
Personal Property	\$ 16,833.00
Solid Waste	\$ 317.62
VTS Refunds	\$ <u>15,278.60</u>
Total	\$ 97,535.75

Releases & Refunds for Prior Years
2014 - 2018

Real Property	\$ 0.00
Solid Waste	\$ 0.00
Personal Property	\$ <u>783.56</u>
Total	\$ 783.56
 Grand Total	 \$ 98,319.31

Public Hearings

Unified Development Ordinance Text Amendment, Outdoor Lighting (TC1900002)

Carl Kolosna, Senior Planner stated all the Planning Department public hearing items were advertised and noticed in accordance with the local and state law. Mr. Kolosna shared a presentation titled “*Outdoor Lighting*” which highlighted the following: Current Regulations for Outdoor Lighting, Applicability, and Proposed Text Amendment.

The Board asked was the quality of light the same. Mr. Kolosna responded the measurement was standard across lighting sources and based on the amount of energy and light coming out of the system. He added the color and temperature of the light could have variances. The Board asked where the light level in foot candles was being measured. Patrick Young, City-County Planning Department Director replied about four or five feet from the ground at the property line. The Board expressed concern with the light-emitting diode (LED) lights impact on sleep cycles. Mr. Young responded staff realized the need for some site-specific special use permit assessments that would review details of the type of fixtures, location, wattage and direction from adjacent property.

The Board asked if the proposed text amendment in section 2c *with illumination timeframe may be extended*, was added after the Planning Commission review and comments. Mr. Kolosna confirmed and stated it was added after talking with the City Attorney. The Board asked if adjacent property owners would be notified. Mr. Young replied no, because the text amendment was a Countywide change. The Board inquired about a variance instead of a Countywide change. Mr. Young responded defining the variance criteria would require a hardship and there was no hardship in the case.

The Board inquired about the Planning Commission comment stating the text amendment was inappropriate to accommodate one business. Mr. Young responded the text amendment was completed after a careful review and assurance to meet the public's best interest. Mr. Kolosna added although this was a privately initiated text amendment, the development would be under review by the Planning Department. The Board asked how the text amendment was in the public's best interest. Mr. Kolosna replied developers were building in Durham which contributed to the public with property taxes and amenities. The Board inquired about the next step after approval. Mr. Young responded the next step was the minor special use permit process.

Chair Jacobs opened the public hearing.

Keith Burns, Real Estate and Banking Attorney, representing the applicant stated the site was at the intersection of Page Road and Interstate 40 and would have a mandatory 100-foot buffer. He added hours were important because Top Golf was interested in relocating to the site. Mr. Burns explained some of the jobs were base and other jobs would require skills with higher salaries. The Board inquired about the range of salaries. Mr. Burns responded he was unsure and would follow up with the applicant. The Board stated it would be disappointing if the applicant was not paying a living wage.

Chair Jacobs closed the public hearing.

The Board asked if the Planning Department could make recommendations on special use permit. Mr. Young replied the burden of proof was on the applicant and planning staff would review and make a decision. The Board asked if a site inspection would occur after the facility was built. Mr. Young responded the inspection would occur before the certificate of occupancy was issued. He added if the site was in non-compliance, staff would issue a citation and follow-up. The Board asked whether the Board approval of the item would determine if the business was in Durham. Mr. Young responded the City approved the text amendment and the applicant's business was in the City. He added the process would move forward and would not have a direct bearing if the County did not approve the item.

First Motion:

Commissioner Reckhow moved, seconded by Commissioner Howerton to adopt a Consistency Statement as required by NCGS 153A-341.

The motion carried unanimously.

Second Motion:

Commissioner Reckhow moved, seconded by Vice-Chair Hill to adopt an ordinance amending the *Unified Development Ordinance*, incorporating revisions to amend Article 7, Design Standards.

The motion carried unanimously.

The Board thanked the Planning Commission for the high level of standards and comments.

Board and Commission Appointments

Monica Toomer, Clerk to the Board, distributed ballots to the Board to make appointment to the boards and commissions.

The Board make 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.

Alliance Board of Directors

Jennifer Anderson (Carter, Hill, Howerton, Jacobs, Reckhow)

Animal Welfare Advisory Commission

(i)**Joy Nolan** (Carter, Hill, Howerton, Jacobs, Reckhow)

Board of Health

(i)**Eric Ireland** (Carter, Hill, Jacobs, Reckhow)

Zamir Brown (Howerton)

Boxing and Wrestling Commission

(i)**Jonathon Leach** (Carter, Hill, Howerton, Jacobs, Reckhow)

City-County Appearance Commission

Katina Rogers (Carter, Howerton, Jacobs, Reckhow)

Jamie Tindal (Hill)

Durham Open Space and Trails Commission

(i)**William Akin** (Carter, Hill, Howerton, Jacobs, Reckhow)

(i)**Reynolds Smith** (Carter, Hill, Howerton, Jacobs, Reckhow)

Farmland Protection Advisory Board

(i)**Talmage Layton** (Carter, Hill, Howerton, Jacobs, Reckhow)

Juvenile Crime Prevention Council

DeWarren K. Langley (Carter, Hill, Howerton, Jacobs, Reckhow)

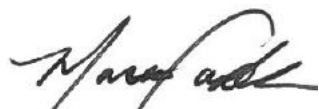
Adjournment

Commissioner Howerton inquired about the Durham Public Schools (DPS) 10 Year Facilities Plan. County Manager Davis stated the County received the Long-Term Facilities Master Plan from DPS and asked them to create a plan addressing the cash flow requirements.

Commissioner Carter moved, seconded by Commissioner Howerton to adjourn the Regular Session meeting at 8:08 p.m.

The motion carried unanimously.

Respectfully Submitted,



Macio Carlton
Deputy Clerk to the Board