



# Durham County

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

## Meeting Minutes

### Board of County Commissioners

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

Monday, August 14, 2017

7:00 PM

Commissioners' Chambers

#### 7:00 pm Regular Session

#### Opening of Regular Session - Pledge of Allegiance

#### Agenda Adjustments

Commissioner Reckhow asked for a motion to be excused from the September 5, 2017 Worksession meeting.

Commissioner Howerton moved, seconded by Commissioner Carter to excuse Commissioner Reckhow from the September 5, 2017 Worksession meeting.

The motion carried unanimously.

#### Announcements

Chair Jacobs read the following announcements:

- 1) Please contact the Clerk's Office at 919-560-0025 or [clerk@dconc.gov](mailto:clerk@dconc.gov) to find out about opportunities to serve on one of our volunteer boards or commissions.
- 2) We invite you to tune in to Cable TV Channel 8 or 97-5 to see rebroadcasts of tonight's meeting as well as other Durham County programming that may be of interest to you. Please contact the Public Information Office at 919-560-0008 or our website [www.dconc.gov](http://www.dconc.gov) for more information.
- 3) These announcements can also be found on the County's website or you may call the Clerk's Office at 919-560-0025.
- 4) Chair Jacobs shared the following Joint City/County Resolution and asked for a moment of silence:

**JOINT DURHAM CITY-COUNTY RESOLUTION IN RESPONSE TO WHITE-SUPREMACIST VIOLENCE IN CHARLOTTESVILLE**

"We are angered and heartbroken by the violent racist, white-supremacist, and anti-Semitic gathering that took place on August 12th, 2017 in Charlottesville, VA. We mourn for the lives that were lost, we send our support to those who were injured, and we offer our solidarity to those who acted in opposition to these groups. The City and County of Durham condemn, in the strongest possible terms, hate speech, hate crimes, and violence in the service of hatred. These corrupt and immoral ideologies and actions deserve no place in our country."

This the 14<sup>th</sup> day of August 2017.

_____ Wendy Jacobs, Chair	_____ James Hill, Jr., Vice Chair
_____ Heidi Carter	_____ Brenda Howerton
_____ Ellen W. Reckhow	

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Commissioner Howerton highlighted the North Carolina Association of County Commissioners (NCACC) 110<sup>th</sup> Annual Conference and thanked the Sheriff's office for providing a safe environment for the attendees.

Chair Jacobs also shared a resolution of appreciation presented to Durham County from the NCACC.

**Minutes**

Commissioner Reckhow moved, seconded by Commissioner Howerton to approve the July 31, 2017 Regular Session minutes and the May 23, 2017 Budget Worksession minutes.

The motion carried unanimously.

**Consent Agenda**

Chair Jacobs asked if there were any items that Commissioners wished to comment on or pull from the agenda. Commissioner Howerton pulled item #17-0360 and citizens requested to pull item #17-0364 and 17-0376.

Chair Jacobs requested to comment on item # 17-0384. She expressed her excitement with the Farmland Conservation Program. Chair Jacobs stated the grant received would be used to preserve a century farm and a minority owned century farm. She also recognized Jane Korest, Open Space and Real Estate Manager and her staff for all their hard work.

Commissioner Reckhow moved, seconded by Commissioner Carter to approve all items except #17-0376, #17-0364 and #17-0360 on the Consent Agenda.

17-0359 Approval of the Joint Pass Through Agreement between the City of Durham and Durham County for the Job Access Reverse Commute and Elderly & Disabled Grants

\*17-0363 Capital Project Amendment No. 18CPA000003 - Appropriating \$1,200,000 of Public School Building Capital Fund Lottery Funds for a Durham Public School's (DPS) Capital Project (Lottery Funds)

17-0365 Renew Service Contract with the Religious Coalition for a NonViolent Durham

17-0375 2016 Durham Open Space and Trails Commission (DOST) Annual Report

17-0377 2016 Durham City-County Appearance Commission Annual Report

17-0378 2016 Durham Environmental Affairs Board Annual Report

17-0379 2016 Historic Preservation Commission Annual Report

17-0380 2016 Planning Commission Annual Report

\*17-0384 Approve the Final Budget for the Douglas Daye Farm Conservation Easement and Approve Capital Project Amendment No.18CPA000004 Decreasing the Open Space & Farmland Preservation Capital Project \$97,025 and Budget Amendment No. 18BCC000003 transferring \$97,025 to the General Fund to Support the Purchase of the Daye Farm Conservation Easement

The motion carried unanimously.

Consent Agenda Item #17-0363

**DURHAM COUNTY, NORTH CAROLINA  
2017-18 Capital Project Ordinance  
Amendment Number 18CPA000003**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2017-18 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

<b>Project</b>	<b>Current Budget</b>	<b>Increase/ Decrease</b>	<b>Revised Budget</b>
Riverside High School (SH275)	\$0.00	\$1,200,000.00	\$1,200,000.00
Totals	\$0.00	\$1,200,000.00	\$1,200,000.00

Adopted this the 14th day of August, 2017.

Consent Agenda Item #17-0384

**Durham County, North Carolina  
2017-2018 Budget Ordinance  
Amendment Number 18BCC000003**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2017-2018 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>GENERAL FUND</u>			
Other Financing Sources	\$25,323,384	\$97,025	\$25,420,409

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Environmental Protection	\$4,458,542	\$97,025	\$4,555,567

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

This the 14<sup>th</sup> day of August 2017

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**DURHAM COUNTY, NORTH CAROLINA  
2017-18 Capital Project Ordinance  
Amendment Number 18CPA000004**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2017-18 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

<b>Project</b>	<b>Current Budget</b>	<b>Increase/ Decrease</b>	<b>Revised Budget</b>
Open Space and Farmland Preservation (4730DC083)	\$13,039,560	(\$97,025)	\$12,942,535

Adopted this the 14th day of August, 2017.

**Public Hearings**

**Public Hearing - Unified Development Ordinance Text Amendment, Updates to Design District Zoning Regulations (TC1400003)**

Patrick Young, Director, City County Planning followed up on an item of concern from the August Worksession meeting regarding the amount of time allowed before final action. He stated all joint items and UDOs would be brought to City Council and the Board so each jurisdiction would have an opportunity to review and all questions could be answered two weeks prior to the approval.

Michael Stock, Senior Planner, stated the text amendment to the UDO was to update, clarify, and re-organize standards associated with the Design District zoning districts. He added input was received from focus groups, Joint City-County Planning, and numerous commissions and boards. Mr. Stock informed the Board that one of the suggestions made by the Commissioners during the Worksession was the inclusion of Foster Street as well as Rigsbee Avenue in the Design District. The suggestion was approved by City Council at its August 7, 2017 meeting. He stated the Board was asked to make two actions and staff was available to answer questions.

Chair Jacobs opened the public hearing.

Dr. E. L. Allison, citizen, stated there should be procedures outlined so that citizens could give their input. She also congratulated Commissioner Howerton on becoming the President of the North Carolina Association of County Commissioners.

Chair Jacobs asked Mr. Stock to explain how the public was a part of the decision. Mr. Stock stated they were engaged with advisory boards appointed by the City/County, there were focus groups that included design professionals in the community, Joint City/County Planning and informational sessions.

Chair Jacobs closed the public hearing and asked for a motion from the Board.

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 Article 2, Review Authority; Article 3, Applications and Permits; Article 4, Zoning Districts; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 7, Design Standards; Article 8, Environmental Protection; Article 9, Landscaping and Buffering; Article 10, Parking and Loading; Article 12, Infrastructure and Public Improvements; Article 13, Additional Requirements for Subdivision; Article 14, Nonconformities; Article 16, Definitions; and the creation of a new Article 17.

The motion carried unanimously.

**Public Hearing - Urban Open Space Plan**

Patrick Young, Planning Director, stated this was a follow-up item from the August 7, 2017 Worksession meeting. He added there was a recommendation for high quality open space provided by the County be reflected in the Open Space Plan. Mr. Young stated it was recommended to revise the plan and include all property purchased under the County Matching Grant Open Space Plan.

Commissioner Reckhow wanted to ensure that all comments made at the August 7, 2017 Worksession to improve the plan were incorporated. Mr. Young responded yes, all comments would be incorporated; he asked Scott Whiteman, Planning Supervisor, to speak more on the item. Mr. Whiteman responded there was a portion of property located outside of the City limits that lived within the County. He added staff recommended approval following a two cycle continuance and the changes made would be bought back to the Board at the September 11, 2017 Regular Session meeting.

Chair Jacobs opened the public hearing.

Dr. E. L. Allison stated she would like more information on the public input. She added the public wanted to know more about the times and dates that the input would be received.

Chair Jacobs closed the public hearing and entertained a motion from the Board.

Commissioner Reckhow moved, seconded by Commissioner Howerton to defer action on this item for two (2) cycles.

The motion carried unanimously.

**Public Hearing - Unified Development Ordinance Text Amendment, Omnibus Changes 10 (TC1700001)**

Michael Stock, Senior Planning, stated the text amendment mentioned identifies necessary corrections, clarification, re-organization, or other minor changes to more accurately comply with intent of the regulations, codify interpretations of regulations, or reflect minor policy changes that were not solely technical in nature. He added the Planning Commission approved the item at the May 9, 2017 meeting and reminded the Board that there were two (2) motions to approve.

Commissioner Carter asked if a majority of the Planning Commission concurred with the ordinance with regards to the parking of recreational vehicles. Mr. Stock responded there was a misunderstanding of that provision and it clarified how recreational vehicles were parked; it was asked that they keep the vehicles out of sight and/or in a designated area.

Chair Jacobs opened the public hearing. No one was signed up to speak. Chair Jacobs closed the public hearing and entertained a motion from the Board.

**First Motion:**

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

The motion carried unanimously.

**Second Motion:**

Commissioner Reckhow moved, seconded by Commissioner Howerton to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 2, Review Authority; Article 3, Applications and Permits; Article 4, Zoning Districts; Article 5, Use Regulations; Article 6, District Intensity Standard; Article 7, Design Standards; Article 8, Environmental Protection; Article 9, Landscaping and Buffering; Article 10 Parking and Loading; Article 12, Infrastructure and Public Improvements; Article 13, Additional Requirements for Subdivisions; Article 14, Nonconformities; Article 15, Enforcement; and Article 16, Definitions.

The motion carried unanimously.

**Board and Commission Appointments**

**Board and Commission Appointment**

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.

Alcoholic Beverage Control Board

**Emily Page** (Carter, Hill, Howerton, Jacobs, Reckhow)

**Approval of Durham County ABC Board Chair**

Commissioner Reckhow moved, seconded by Commissioner Carter to appoint Emily Page as the Board Chair of the Alcoholic Beverage Control Board.

The motion carried unanimously.

**Items Pulled From Consent Agenda**

**Approval of Resolution to Designate the County Board Chair as the Authorizing Official for Durham County ACCESS**

Commissioner Howerton asked why the Chair name was listed throughout the document. She inquired about it just reading the word “Chair” so that the document would not have to be changed consistently. Linda Thomas-Wallace, Transportation Program Manager, responded the department had to identify the Chair in the document.

**Directive: Chair Jacobs asked staff to research if the title and name of the Chair was a requirement moving forward.**

Commissioner Howerton inquired about the timeline of the document. Ms. Thomas-Wallace stated the documents were due around the end of September 2017.

Commissioner Carter asked if the Board would be comfortable approving the Chair name on the document as the authorizing official and the letter of resolution could be adopted at another time. She added this would allow more time for research to be completed.

Commissioner Carter approved, seconded by Commissioner Reckhow to approve the designation of the County Board Chair as the authorizing official for Durham County Access Transportation Program.

The motion carried unanimously.

**Renewal of Annual Service Contract with Psychiatric Services**

Chair Jacobs acknowledged the citizens signed up to speak on the item. She reminded them of the three (3) minute time limit.

Ada Glen questioned why the Board would extend the contract another year despite the issues that were brought forward and not increase the salaries of the Sheriff or Deputies. Chair Jacobs suggested everyone get a copy of the budget information made available. She also stated all County staff were eligible for pay increases. Chair Jacobs mentioned the approval of increases in the Detention Center staff and an upcoming benchmark study that would be conducted.

Marcella Thompson stated the Sheriff and Deputies continue to go out of their way to assist citizens. She asked the Board to consider giving them a raise.

Andy Miller asked that the Board not renew the contract for the jail. He stated there were better vendors and sometimes going for the bottom dollar caused mistakes to be made.

Commissioner Reckhow asked if the item was time sensitive and if the approval could be delayed for two (2) weeks so that a better understanding of the services could be reviewed. Commissioner Carter also asked for a delay on this item.

Gudrun Parmer, Director of the Criminal Justice Resource Center, responded that the doctor who authorized all medications currently worked in the jail. She added if she was not in the jail, the medications would not be prescribed. Ms. Parmer continued to say it was a requirement that all medications be reviewed so that the center was not out of compliance. Commissioner Reckhow asked if the start date of the contract was July 1, 2017. Ms. Parmer responded yes adding that the doctor continued to provide the services after that date with a renewed contract. Commissioner Reckhow asked if the doctor could continue to provide the services for an additional two (2) weeks while the Board reviewed the contract.

Jodi Miller, General Manager, interjected that the contract was a renewal and the formal process would take time. She added if staff pulled the contract for review, it may cause a pause in the service. Chair Jacobs stated there did not seem to be an option to make a dramatic change at this moment. She asked if the County was locked in a contract. Ms. Miller responded the contract would be for the remaining portion of the fiscal year. Chair Jacobs stated the Board would like more information about the vendor.

Commissioner Carter asked how did the services of the vendor and mental health connect with the mental health pod and if the County needed to increase or decrease the amount of money being spent. Chair Jacobs asked for the item to be delayed for two (2) weeks. Wendell Davis, County Manager responded there was another negotiating party that was not a part of the conversation. He added if they did not agree with the two (2) week delay, the County would be out of compliance. County Manager Davis stated his preference would be to approve the item and then come back and have a conversation about the contract.

Commissioner Howerton asked if the County would be liable if the contract was broken. Commissioner Reckhow responded the contract stated that it could be terminated without cause with a 30 day notice.

Vice Chair Hill moved, seconded by Commissioner Reckhow to authorize the County Manager to renew the annual service contract with Psychiatric Services and Consultation for Fiscal Year 2017-2018 in an amount not to exceed \$79,560.00.

The motion carried unanimously.

### **2016 Board of Adjustment Annual Report**

Chair Jacobs acknowledged the citizens signed up to speak on the item. She reminded them of the three (3) minute time limit.

Jose Lopez stated there was a definite need for safety within the County. He asked the Board to reconsider the decision of not providing a raise to Sheriff Andrews.

Commissioner Carter asked how the comments were related to the item. Chair Jacobs stated the item was aligned with Strategic Plan Goal 5.



Russell May and Bill Pickard both expressed their support for an increase for the Sheriff. Chair Jacobs responded the County was in the process of doing a comprehensive study.

Randy Miller requested the Board delay vote on the Board of Adjustment Annual (BOA) Report. He added stated malicious posters about Sheriff Andrews were posted and because the BOA did not have them removed, they played a part in his raise being denied.

Commissioner Reckhow moved, seconded by Commissioner Carter to accept the report.

The motion carried unanimously.

### **Adjournment**

Commissioner Reckhow moved, seconded by Commissioner Carter to adjourn the Regular Session meeting.

The motion carried unanimously.

Respectfully Submitted,



Monica W. Toomer  
Deputy Clerk to the Board