



# 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, October 23, 2017

7:00 PM

Commissioners' Chambers

### Regular Session

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

#### Agenda Adjustments

Chair Jacobs announced there were no adjustments to the agenda.

#### Announcements

Chair Jacobs read the following announcements:

- 1) Early voting for the November 2017 municipal election began this past Thursday and continues until 1:00 p.m. on Saturday, November 4th. Election Day is Tuesday, November 7th. For more information, including early voting sites and schedules, visit [www.dconc.gov/elect](http://www.dconc.gov/elect).
- 2) The Matching Grants Program of the Durham Open Space and Trails Commission is accepting applications from nonprofit organizations in Durham City and County. The grants are available to assist selected nonprofit organizations with their efforts to preserve open space lands and promote new or improved recreational opportunities for citizens. **The application deadline is 5 p.m. on Wednesday, November 15, 2017.** Grant guidelines and applications are available online at [www.dconc.gov/openspacegrants](http://www.dconc.gov/openspacegrants). For project specific questions and more about the grant process, contact Brendan Moore, matching grants administrator for Durham County, at (919) 560-7957 or email [brmoore@dconc.gov](mailto:brmoore@dconc.gov).
- 3) As a part of Community Planning Month, the Durham City-County Planning Department will be hosting an Open House on Monday, October 30 from 4 p.m. to 6 p.m. on the ground floor of City Hall, located at 101 City Hall Plaza. Staff will give tours, answer questions and provide examples of their work. Light refreshments will also be provided. Help us celebrate the role planning plays in creating the places we love most!

- 4) Durham County Department of Veteran Services will celebrate its 5th Annual Veteran's Day Recognition and Celebration program on Thursday, November the 9th from 11:00a.m. 1:00p.m., in the Durham County Human Services Building, located at 414 East Main Street, 2nd Floor in the County Wide Meeting Room. Parking is available in the Human Service Building parking lot on the corner of Main and Dillard Street. Durham County Veterans, their families and friends are cordially invited to join us as we take this opportunity to recognize and celebrate our "Honored Guests" our Veterans, the men and women who have given much for the freedom of this nation. The admission is free.
- 5) The EcoChallenge is an opportunity for Durham residents to demonstrate our commitment to the environment by completing daily actions to reduce our collective impact. It runs thru October 25th so sign up today! Join the Durham Community team at <https://2017.ecochallenge.org/teams/durham-community> and earn points for getting your friends, family, and coworkers to sign up! We'll be competing with the teams from all over the country, so let's get started and show the world how committed we are here in Durham to making the world a better place.
- 6) The Durham County Women's Commission is hosting a 30th Anniversary Luncheon celebration entitled "Forward Together" on Thursday November 30, 2017 11:30 am - 1:30 pm at the Durham Country Human Services Building. The luncheon will feature a multi-cultural/multi-generational panel discussion on the Power, Confidence and Unity of Women. The cost is \$30 to attend. Please contact the Clerk's Office for additional information.
- 7) These announcements may also be found on the County's website or you may call the Clerk's Office at 919-560-0025.

Commissioner Howerton shared her experience from a conference in Miami, FL where smoking was allowed around certain facilities. She thanked Gayle Harris, General Manager, for her push on the Smoking Ordinance and helping to keep the County facilities smoke-free.

Chair Jacobs asked everyone to keep Deborah Craig-Ray, General Manager, in their thoughts as she grieved the loss of her mother.

## **Minutes**

Commissioner Reckhow moved, seconded by Commissioner Howerton to approve the June 14, 2017 Budget Worksession minutes and the October 9, 2017 Regular Session minutes.

The motion carried unanimously.

**Directive: Chair Jacobs asked for a follow-up on Senate Bill 155 and the impact it would have on the Alcoholic Beverage Control Board.**

Wendell Davis, County Manager, stated a follow-up would be provided when Deborah Craig-Ray, General Manager, returned to work.

## **Other Business**

**Approve Cost Share Memorandum of Agreement for the Commuter Rail Study**

John Tallmadge, Regional Services Development Director, stated that the project that connected Durham County to Wake County was identified as an interest for both parties. He added the agreement was a split of the cost of the transit resources. Mr. Tallmadge also added the cost share agreement was limited to the investment study and further agreements would be needed in the future.

Commissioner Reckhow asked whether the scope of the work was reviewed and approved by the Durham/Chapel Hill MPO. Mr. Tallmadge responded yes; adding the MPO and representatives of the City were involved and aware of the agreement. Commissioner Reckhow questioned what would be studied related to the commuter rail. Mr. Tallmadge stated the study was more narrowly defined. He added they would review the station location and their impacts, community involvement and ridership forecasting. He continued to say the purpose of the study was to determine the viable corridor, stations that supported the investment and screening issues. Commissioner Reckhow asked if staff felt this was necessary even though a study was previous completed with other parties. Mr. Tallmadge stated the previous study covered the frequency of trips in the corridor and it confirmed the number of trips within the capacity of the infrastructure. He added the study did not evaluate station locations or provide an update to the travel demand model.

Commissioner Reckhow mentioned she did not realize that the County was joined in with other work the consultant was doing. She highlighted "Exhibit A" which showed the allocated cost took a percentage of the price tag and assigned it to the project. Commissioner Reckhow asked why the County should pay a proportionate share for public involvement. Mr. Tallmadge stated the work was related to involving the community on how the commuter rail would work and it included notifying households of the length of work being completed. Commissioner Reckhow inquired about the due date of the work. Mr. Tallmadge stated the public outreach would begin in phases starting February and a major invest study was scheduled to conclude in Summer 2018.

Chair Jacobs asked how time sensitive was this item. Willie Darby, Senior Assistant County Attorney, responded Wake County was waiting on Durham to approve the agreement.

Commissioner Howerton inquired about the cost of the last survey. Mr. Tallmadge responded he did not have that information on hand but would follow-up and provide those numbers.

Chair Jacobs asked for an explanation on why each invoice would be approved separately. Mr. Tallmadge stated what was before the Board was not the contract with the consultant. He added the consultant contract included the invoice procedures and terms. Chair Jacobs expressed her excitement in moving forward with the cost share agreement, the Light Rail Connection between Orange and Durham counties and the Commuter Rail Connection between Wake and Durham counties.

**Directive: Chair Jacobs asked for an emailed copy of the exact scope of work and copy of the contract.**

Commissioner Reckhow moved, seconded by Commissioner Howerton to approve the Cost Sharing Memorandum of Agreement for the Commuter Rail Study.

The motion carried unanimously.

## **Consent Agenda**

Chair Jacobs asked the Commissioners if they requested to comment or pull an item from the Consent

Agenda.

Commissioner Carter questioned the Criminal Justice Advisory Committee appointment, asking why this appointment was separate from the others and why the Board did not receive information on the applicant. Michelle Parker-Evans, Clerk to the Board responded this was a statutory appointment made by the Board, and because it was not advertised for citizens to apply, it required a separate approval.

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

17-0451 Criminal Justice Advisory Committee Appointment

\*17-0468 Property Tax Releases and Refunds for September 2017

17-0485 Appointment - GoTriangle Board of Trustees

17-0489 Durham County TEFRA Policy

The motion carried unanimously.

Consent Agenda Item #17-0468

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 September 2017.

August 2017 Releases and Refunds

Releases & Refunds for 2017 Taxes

Real Property	\$ 605,893.05
Personal Property	\$ 49,901.89
Solid Waste Fees	\$ 1,588.10
VTS Refunds	\$ <u>14,091.02</u>
Total	\$671,474.06

Releases & Refunds for Prior Years

2015----2016

Real Property	\$ 1,074.56
Personal Property	\$ <u>137,720.43</u>
Total	\$ 138,794.99

Grand Total \$ 810,269.05

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**Public Hearings**

**Public Hearing and Approval of FY19 5311 Community Transportation Grant**

Linda Thomas Wallace, Durham County Access Transportation Program Manager, stated this was an annual grant where the department requested approval for state and federal funds. She added over the last three (3) years, there were no changes to the funds received.

Chair Jacobs asked the Board if they had any additional questions. Hearing none, she opened the Public Hearing. No one was signed up to speak. Chair Jacobs closed the Public Hearing and entertained a motion from the Board.

Commissioner Howerton moved, seconded by Commissioner Reckhow to approve the authorizing resolutions and other required supplemental federal and state documents.

The motion carried unanimously.

### **Public Hearing - 2016 Evaluation and Assessment Report of the Durham Comprehensive Plan**

Laura Woods, Senior Planner, shared a presentation titled “5<sup>th</sup> Annual Evaluation and Assessment Report (EAR)” which highlighted the following:

- Purpose of the EAR
- Staff Recommendation
- Cases Approved in 2016
- Impact to Net Acreage on FLUM (data shown)
- Design District Impacts to Net Acreage of Other Land Use Designations (data shown)
- Impacts to Net Acreage by other Approved Plan Amendments (data shown)
- Technical Update to the FLUM (data shown)
- Policy Status, Text Updates, Accomplishments
- Policy 4.3.3a. Standards for School Site Sizes
- Policy 7.2.2f. Open Space Master Plans
- Policy 7.2.2k. Future Parks and Trails Database
- Planning Accomplishments
- Suggested Format Change

Commissioner Reckhow asked for clarification on the comments about Urban Open Space. She asked if the item had gone before City Council and if the changes were accepted. Ms. Woods stated the updated plan would go before Council for rectification on November 6, 2017. Commissioner Reckhow stated if action was taken on the documents would the County be in alignment. Ms. Woods responded yes.

Commissioner Carter asked when the rectification would occur. Ms. Woods responded it would occur tonight by bringing the County Future Land Use Map in consistency with the City and on November 6, 2017, the City would rectify their Future Land Use Map. Commissioner Carter asked if the Board had an opportunity to discuss the process with someone in Planning. Patrick Young, Planning Director responded this was the formal process to rectify changes, however the Board and Council are always open to make any changes they saw fit. He added the Planning Department would make themselves available during meetings or afterwards to answer questions. Chair Jacobs encouraged Commissioner Carter to sit down with staff to ask questions.

Chair Jacobs questioned the trends and stated she would like to see resiliency and climate change added as a trend. Ms. Woods stated it was a complicated topic that would require more thought and she would prefer adding it at a later date.

Commissioner Reckhow stated many citizens felt it was appropriate to incorporate autonomous vehicles

and what they may contribute to mobility. She added at the 2017 NACo Annual Conference in Ohio, they focused on this type of planning and the citizens felt it would solve transportation issues. Ms. Woods stated it was a part of changing technology and they would be happy to incorporate it in the future.

Chair Jacobs questioned the Comprehensive Plan amendment regarding the Hope Valley Office Park. Ms. Woods stated that a small space was in the property of the shopping center and the application submitted did not include that small area. Chair Jacobs mentioned her other questions were in regards to TW Alexander (A1500013) and Southpoint Trails (A1600002). She stated both became higher density residential but they were close to watersheds. Ms. Woods stated there was inconsistency with the Future Land Use Map and Zoning.

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.

Commissioner Reckhow moved, seconded by Commissioner Howerton to approve the 2016 Evaluation and Assessment Report of the Durham Comprehensive Plan.

The motion carried unanimously.

## **Board and Commission Appointments**

Commissioner Reckhow suggested the Board postpone the vote on the Durham-Wake Counties Research and Production Service District appointments. She stated many of the applications submitted were old and dated back to 2010. Commissioner Reckhow continued to say that she spoke with Macio Carlton, Senior Administrative Assistant, who had reached out to the applicants to request updated applications.

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.

### Durham Convention and Visitors Bureau

**(i)Patrick Byker** (Carter, Hill, Jacobs, Reckhow)

### Historic Preservation Commission

**Tom Kreger** (Carter, Hill, Howerton, Jacobs, Reckhow)

### Juvenile Crime Prevention Council

**Cameron Phillips** (Carter, Hill, Howerton, Jacobs, Reckhow)

### Public Health Board

**James M. Miller** (Carter, Hill, Howerton, Jacobs, Reckhow)

### Transportation Advisory Board

**Calvin Bonaparte** (Carter, Hill, Howerton, Jacobs, Reckhow)

### Women's Commission

**Olivia Horton** (Carter, Hill, Howerton, Jacobs, Reckhow)

**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