

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

Monday, January 14, 2018

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 commented about the recent gun violence in Durham and shared the domestic violence statistics.

Commissioner Reckhow proposed to move the three (3) Other Business items after the Public Hearings and suggested that all Public Hearings be placed after the Consent Agenda at all Regular Session meetings. Chair Jacobs entertained a motion for the suggestion made by Commissioner Reckhow.

Commissioner Reckhow moved, seconded by Vice Chair Hill that all Public Hearing be placed after the Consent Agenda at all Regular Session meeting.

The motion carried unanimously.

Announcements

Chair Jacobs read the following announcements:

- 1. Durham City-County Martin Luther King, Jr. Employee Observance Program** - Durham City and County governments collaborate annually for a Martin Luther King, Jr. Employee Observance Program.

The 14th Annual program is scheduled for noon on Tuesday, January 15, 2019. Organized each year in celebration of Dr. King's legacy and progressive ideals, this year's program will be held at First Presbyterian Church, 305 E. Main St., in downtown Durham. Free and open to the public, the event includes remarks from local leaders and elected officials, with musical selections by the Durham City-County MLK Employee Choir. The newly sworn in North Carolina Supreme Court Justice Anita Earls will be the keynote speaker. Justice Earls is a former civil rights attorney and professor.

For more information about the event contact the Durham County Manager's Office at 919-560-0000 or email publicinformationoffice@dconc.gov.

2. Durham County Government will observe the Martin Luther King Jr., holiday on Monday, January 21, 2019. On this day, non-essential offices for the County will be closed. All County offices will reopen and resume normal hours of operation on Tuesday, January 22nd.

3. Durham County General Services County Convenience Sites - The Durham County General Services Department will close its four Solid Waste and Recycling Convenience Sites on January 21st. Durham County residents with a current 2018-2019 solid waste decal can resume disposal of garbage, recycling, yard waste and bulky items on January 22nd beginning at 7 a.m.

A reminder, live Christmas trees are accepted in the yard waste containers at the Bahama, Redwood, and Parkwood Convenience Sites. All decorations must be removed.

4. Roadside Recycling Collection - The Durham County roadside recycling collection (Schedule B – South of the Eno River) for the week of January 21st will not change due to the holiday. Customers scheduled for Monday's collection will receive service on Monday as scheduled. To learn more about Durham County's solid waste and recycling programs, call (919) 560-0433 or visit www.dconc.gov/recycling

5. LIEAP - Low Income Energy Assistance Program: LIEAP will be open to ALL Durham County residents, January 2 - March 31, 2019. Applications will be taken at the Department of Social Services in the Crisis Lobby #27 Monday - Friday at 414 East Main Street from 8:30 a.m. - 5:30 p.m.

Call 919-560-8000 to schedule your LIEAP appointment. Walk-ins are welcome. The LIEAP Program assists with heating only. Bring a photo ID, Social Security card, income verification and verification of heating source-heating bill to your appointment.

6. 2019 Golden Leaf Awards Nominations Now Being Accepted - Do you know of a Durham property that's outstanding for its design, preservation, curb appeal, or stewardship of the natural and built environment? Nominate it now for the 2019 Golden Leaf Awards. The Durham City-County Appearance Commission and Keep Durham Beautiful are currently seeking property nominations to recognize new developments, buildings, and landscaping in Durham County that provide positive attributes to the community's built environment.

The award categories are Neighborhood Garden & Landscape; Hearth & Home; Adaptive Reuse—Old Building New Design; Small Development (under 12,000 sq. ft.); Large Development (over 12000 sq. ft.); and Keep Durham Beautiful. Nominations can now be submitted at www.DurhamGoldenLeaf.com and are due by Friday, February 15. Any projects completed within the last five years that have not already received a Golden Leaf Award are eligible. Awards will be presented at a ceremony in April 2019.

For more information, visit www.DurhamGoldenLeaf.com or contact Senior Planner Kayla Seibel with the Durham City-County Planning Department at Kayla.Seibel@DurhamNC.gov or (919) 560-4137, ext. 28271.

7. Durham YouthWork Program Seeks Local Employers to Host Youth Interns - This program, now in its 16th year, has a goal to grow from serving approximately 200 youth each summer to serving more than 1,000 youth within the next three years. In 2019, the goal is to offer more than 300 paid youth summer internship opportunities, and local employers are needed to make this a reality.

This year's expo will be held on Saturday, February 23 from 9 a.m. until noon at the Chesterfield Building, located at 107 W. Main St. in downtown Durham.

For more information about hosting summer interns and/or participating in the 2019 Durham YouthWork Job Expo, interested employers should visit the City's website or contact Business Services Manager Jamie Vaughn with the City's Office of Economic and Workforce Development at (919) 560-4965 ext. 15221 or James.Vaughn@DurhamNC.gov.

8. We're 150 Years Old, Y'all! As we celebrate the 150th anniversary of Durham throughout 2019, we're honoring the changemakers who shaped Durham's unique sense of place, and we're rightfully touting Durham's position in the future. Home to scholars, artists, and entrepreneurs, we're accustomed to movement, creativity, and blazing new trails. **SAVE THE DATE, April 13, 2019** - Durham 150 opening celebration. Visit www.DURHAM150.ORG and look for announcements in January for more on how to get involved.

9. Alert Durham - Sign Up Today: Durham County wants to keep its citizens informed and safe in the case of an emergency. Sign up for Alert Durham to receive notifications about severe weather, unexpected road closures, missing persons, and evacuations of buildings or neighborhoods. To sign up for Alert Durham, visit AlertDurham.com.

10. Get Involved! It's your County. Durham County Government has approximately 43 active advisory boards referred to as Boards and Commissions. Citizens of Durham County may volunteer to participate by applying for a vacancy.

Interested citizens should fill out an application and send it to the Clerk to the Board's Office. A description of the boards as well as a list of vacancies can be found on the County's website at <http://www.dconc.gov/government/departments-a-e/board-of-commissioners/boards-and-commissions>. If you need additional information, please contact the Clerk's Office at 919-560-0025 or email to: BoardsandCommissions@dconc.gov

Minutes

Commissioner Carter moved, seconded by Commissioner Reckhow to approve the December 20, 2018 Regular Session minutes.

The motion carried unanimously.

Ceremonial Items

Proclamation - National Mentoring Month

Chair Jacobs read the following proclamation:

NATIONAL MENTORING MONTH | 2019

- WHEREAS,** in 2002, the Harvard School of Public Health and MENTOR: the National Mentoring Partnership created National Mentoring Month; and
- WHEREAS,** the goals of National Mentoring Month are to raise awareness of mentoring, recruit individuals to mentor, encourage organizations to engage and integrate quality mentoring into their efforts; and motivate youth to excel; and
- WHEREAS,** a mentor is a caring person that provides a consistent presence and devotes time to a young person to help that young person discover personal strength to persevere and achieve their potential through a structured and trusting relationship; and
- WHEREAS,** quality mentoring encourages and empowers young people to make positive choices, promote self-esteem and character development, support academic achievement and introduce young people to new ideas; and
- WHEREAS,** mentoring programs have shown to be effective in combating school violence and discipline problems, substance abuse, incarceration, truancy and professional success; and
- WHEREAS,** research shows that young people who were at risk for not completing high school but who had a mentor were 52 percent less likely than their peers to skip a day of school, 55 percent more likely to be enrolled in college, 81 percent more likely to report participating regularly extracurricular activities, 46 percent less likely than their peers to start using drugs, 130 percent more than twice as likely to say they held a leadership position in a club or sports team, and 78 percent more likely to volunteer regularly in their communities; and
- WHEREAS,** mentors help young people set career goals and use their personal contacts to help young people meet industry professionals and find jobs to improve professional outcomes for youth.

NOW, THEREFORE, BE IT RESOLVED I, Wendy Jacobs, Chair of the Durham Board of County Commissioners and on behalf of the Durham Board of County Commissioners, do hereby proclaim the month of January 2019 as

“NATIONAL MENTORING MONTH”

in Durham County, and hereby call upon public officials, business and community leaders, educators, and citizens to observe this month with appropriate ceremonies, activities and programs in order to:

- recognize the men and women who serve as staff and volunteers at quality mentoring programs and help our young people find inner strength and reach their full potential;
- acknowledge that mentoring is beneficial because it facilitates healthy identity development, encourages educational achievement, reduces juvenile delinquency, expands career readiness, improves life outcomes, and strengthens communities;
- promote the creation, expansion, sustainability, and funding of quality mentoring programs across Durham to equip young people with the tools needed to lead healthy and productive lives; and
- support initiatives to close the "mentoring gap" and promote critical mentoring to support boys of color with mentors who perceive and understand social, political and economic oppression and to take action against oppressive elements of society.

This the 14th day of January 2019.

Wendy Jacobs, Chair
Durham Board of County Commissioners

Dewarren Langley, Executive Director of the Charles Hamilton Houston Foundation stated the proclamation was done to recognize the importance of mentoring in Durham. He asked other mentoring organizations in attendance to stand and briefly speak about their services.

The following organizations were present: *Movement of Youth, Rebound, Men of Valor and Young Lady of Excellence at Eno Valley Elementary School, Made in Durham, Emily K Center, Brother to Brother (Pearsontown Elementary), NCWorks NextGen Youth Program, Equity Affairs for Durham Public School, My Brother’s Keeper, Bull City YouthBuild, Bull City United and Project Build.*

The Board thanked all representatives from the above listed organizations for being present and expressed appreciation for the work done in the community. They also thanked Mr. Langley for his coordination, collaboration and consistency with all his work done for the youth.

Resolution - Celebrating & Honoring the Life & Service of Dr. Martin Luther King, Jr.

Vice Chair Hill read the following resolution:

CELEBRATING & HONORING THE LIFE & SERVICE OF DR. MARTIN LUTHER KING, JR.

WHEREAS, A champion of justice, Dr. Martin Luther King, Jr. devoted his life to strengthening the content of the American character and fought unrelentingly for the civil rights of all Americans and taught us through non-violence that courage displaces fear, love transforms hate, acceptance dissipates prejudice and mutual regard cancels enmity; and

WHEREAS, Dr. King helped to organize efforts, plan events, and lead marches to advance the rights of African Americans to vote, for desegregation, for recognition and respect for labor rights, and to ensure other basic civil rights; and

WHEREAS, Dr. King was one of the leaders of the successful Montgomery bus boycott in 1955 and helped found and served as the first president of the Southern Christian Leadership Conference in 1957 to coordinate and support nonviolent direct action as a method of desegregating bus systems across the South; and

WHEREAS, between 1960 and 1964, Dr. King made addresses in Durham at White Rock Baptist Church, the Durham Business & Professional Chain, Hillside High School, Jack Tar Hotel to the Southern Political Science Association, North Carolina College (now North Carolina Central University) and Duke University urging civil disobedience and nonviolent protests to end racial segregation and discrimination; and

WHEREAS, Dr. King helped organize the 1963 nonviolent protests in Birmingham, Alabama, that drew national attention to the struggle for civil rights and to the hateful and brutal responses of the local law enforcement; and helped organize the March on Washington during which he delivered his eloquent and moving “I Have a Dream” speech; and

WHEREAS, Dr. King helped to organize the monumentally inspiring Selma to Montgomery marches in 1965 to advocate for passage of the Voting Rights Act to guarantee African American citizens the right to vote; and

WHEREAS, Dr. King was supporting the garbage workers in Memphis, Tennessee, and planning the Poor People’s Campaign to promote economic justice, when he was assassinated in Memphis in 1968.

NOW, THEREFORE, BE IT RESOLVED, we the Durham Board of County Commissioners do hereby resolve to recognize and honor the life and work of Dr. Martin Luther King, Jr. and his commitment to a free and just world;

BE IT FURTHER RESOLVED THAT the Durham Board of County Commissioners call on the residents of Durham County to join us in reflecting on and advancing Dr. King’s life and fulfilling his dream.

This 14th day of January 2019.

Wendy Jacobs, Chair

James Hill, Jr., Vice-Chair

Heidi Carter

Brenda A. Howerton

Pastor William Lucas, Chair thanked the Board for the resolution and shared brief updates about the MLK Steering Committee. DeWarren Langley, Secretary of the MLK Steering Committee shared the details of the celebrations and invited to public to view the website <http://www.durhammlkcommittee.org/events.html> for additional information.

Consent Agenda

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

Commissioner Howerton requested to pull item 18-1191 and comment on item 19-0006. Commissioner Reckhow requested to comment on item 19-0029 and Chair Jacobs requested to comment on items 19-0012 and 19-0022

- Item 19-0012 – Chair Jacobs thanked the County for sponsoring the Durham 150 Campaign at the highest level.
- Item 19-0022 – Chair Jacobs expressed her excitement for the study completed and the grant application submission.
- Item 19-0029 – Commissioner Reckhow highlighted the amendment of the Durham Firearm Ordinance adding it was important that the County updated it to remain consistent with Federal and State Changes.

Commissioner Howerton asked for an update on the federal shutdown and benefits. Gayle Harris, General Manager responded as of right now, Food Stamp and other services were available throughout the month of February.

- Item 19-0006 – Commissioner Howerton questioned if the funding would end or if more would be available. Ms. Harris responded they were realigning dollars for the budget; however, they would continue to look for resources and trainings with the grant funding available. She added they were not sure of the end date but would follow-up with a response.

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

Commissioner Reckhow moved, seconded by Commissioner Carter to approve all Consent Agenda items except item 18-1191.

The motion carried unanimously.

18-1133 Durham County Justice Center Parking Deck Operations and Maintenance Contract Renewal

*18-1166 Budget Ordinance Amendment No. 19BCC00033 Approval of Lebanon Fire Tax District Fund Balance Appropriation in the Amount of \$52,000 and increasing the Distribution to Lebanon Fire Department to Support New Vehicle Acquisition and Turnout Gear Costs

18-1185 Award Contract for Architectural/Engineering Services for Upgrades to Southern Durham

County Solid Waste Convenience Sites

*18-1193 Budget Ordinance Amendment No. 19BCC000032 - Appropriate Restricted Funds for the Sheriff's Office, Fire Marshall, Youth home, Public Health, and Social Services

*18-1197 Capital Project Amendment No. 19CPA000011 - Reducing the DSS Building Demolition Capital Project (47302635DC136) by \$550,427 and Appropriating \$550,427 to amend the Judicial Annex Renovations Capital Project and Execution of Construction Contract with H.M. Kern Corporation for the Judicial Annex Renovation Project No. 47302635DC141

19-0003 Adoption of Resolutions related to Authorization of \$50M General Obligation (GO) Refunding Bonds, Series 2019, including a Resolution calling for a Public Hearing on a General Obligation Refunding Bond Order

*19-0004 Budget Amendment No. 19BCC000036 Approving Refinancing of Project Funding for the Renovation of the Administration II Building in the Amount of \$43,500,000, Issued in September 2018 and Recorded in the Debt Service Fund

*19-0005 Budget Ordinance Amendment 19BCC000034 for the Department of Social Services to Recognize Additional Home and Community Care Block Grant (HCCBG) Funds in the Amount of \$86,256 which includes the required Durham County DSS Local Match of \$45,835. The local match will be funded with a fund balance appropriation

*19-0006 Budget Ordinance Amendment No. 19BCC000035 Recognizing \$466,041 in Federal Grant Funds from the Department of Health and Human Services, Administration for Children & Families for Implementation of a Durham Integrated Domestic Violence Response System Program (including a full-time (1 FTE) Child and Family Advocate provisional position and a part-time provisional (.50 FTE) Grants Administrator of which 100% of the salary and benefits cost is covered by the grant.

19-0007 Durham County Detention Center Elevator Upgrades (IFB 18-003): Progressive Contracting, Contract Amendment #1, Replace Fire Command Center Elevator Monitoring Panel

19-0012 Durham Board of County Commissioner Approval of Financial Support up to \$50,000 for "Durham 150" Celebration Campaign, Using Commissioner Contingency Funds

19-0014 Extension of the 2019 Listing Period for Business Personal Property

19-0022 Approval and Adoption of Analysis of Impediments to Fair Housing Report

19-0023 Vehicle Repairs and Maintenance Service Contracts for Durham County Vehicles

*19-0029 Amendment to Article II of Chapter 17 of the Durham County Code of Ordinances

19-0030 Additional Funding for Contract with Fox Rothschild LLP (formerly Smith Moore Leatherwood, LLP)

Consent Agenda Item #18-1166

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2018-2019 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>SPECIAL REVENUE FUNDS</u>			
Other Financing Sources	\$2,289,391	\$52,000	\$2,234,391

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>SPECIAL REVENUE FUNDS</u>			
Public Safety	\$7,513,068	\$52,000	\$7,565,068

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

Approved January 14, 2018

Consent Agenda Item #18-1193

Allocation of Restricted Monies	AMOUNT
Sheriff – State Forfeitures; Federal Forfeitures	\$287,832.57
Fire Marshall – Emergency Management Program Grant	\$975.84
Public Health – NALBOH Community Guide, Ann Wolfe, RWJF Culture of Health - Mini Grants, Rural Cancer Prevention Centers, CC4C - Care Coord. for Children, OBCM - Pregnancy Care Mgt, NACCHO – MRC, MEANINGFUL USE, All Together Now (SHIFT-NC), Healthiest Cities and Counties, City of Seattle-Contract, DMACF, Shift-NC, Credit Suisse, Triangle Foundation, Brian Grovenstein Donation, Benjamin C. Klein, Tru Deli LLC, NC Cooperative Extension, PCORI	\$393,019.78
Social Services – First Presbyterian Church, Adoption Promotion Fund/Special Children Adoption Fund, Child Support Settlement, NC Shift, HOPWA(Housing Opportunities for Persons with AIDS)	\$917,492.77
Total:	\$1,599,320.96

Consent Agenda Item 18-1197

**DURHAM COUNTY, NORTH CAROLINA
2018-19 Capital Project Ordinance
Amendment Number 19CPA000011**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2018-19 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

Project	Current Budget	Increase/Decrease	Revised Budget
Judicial Annex Building (47302635DC141)	\$4,100,000	\$550,427	\$4,650,427
DSS Building Demo (47302635DC136)	\$800,000	(\$550,427)	249,573
Totals	\$4,900,000	\$0	\$4,900,000

Adopted this the 14th day of January 2019.

Consent Agenda Item #19-0004

**Durham County, North Carolina
2018-2019 Budget Ordinance
Amendment Number 19BCC0000036**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2018-2019 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>DEBT SERVICE FUND</u>			
Other Financing Sources	\$72,953,467	\$43,500,000	\$116,453,467

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>DEBT SERVICE FUND</u>			
General Government	\$73,821,688	\$43,500,000	\$117,321,688

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

Approved January 14, 2018

Consent Agenda Item #19-0005

**Durham County, North Carolina
2018-2019 Budget Ordinance
Amendment Number 19BCC0000034**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2018-2019 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>			
Intergovernmental	\$45,926,536	\$40,421	\$45,966,957
Other Financing Sources	\$29,527,883	\$45,835	\$29,573,718

Expenditures:

<u>Function</u>
<u>GENERAL FUND</u>

WHEREAS, the Board of County Commissioners wishes to amend Article II of Chapter 17 in recognition of changes in the laws of North Carolina and conditions in Durham which have occurred since it was first adopted, and to address concerns of public safety; and,

WHEREAS, the purpose of this Ordinance is to protect the public safety by regulating the discharge of weapons within the unincorporated areas of Durham County, and the possession of weapons on County property;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DOETH ORDAIN:

1. That Durham County Code of Ordinances Chapter 17, Article II – Offenses Involving Firearms and Other Weapons, which was adopted in 1993, and subsequent amendments thereto, is hereby repealed in its entirety and replaced with the following:

Secs. 17-31-1750. -Reserved

Sec. 17-51 Intent.

The Board of Commissioners has determined that the health and safety of its citizens requires certain restrictions be placed on the discharge of firearms and airguns and on the possession and display of weapons on county owned and controlled property. This is in recognition of the fact that each person discharging a firearm is responsible for exhibiting reasonable regard for the safety and property of other persons and for discharging the firearm in such a manner as to assure that all projectiles come to rest safely within the boundary or boundaries of the property or properties on which the person is authorized to be shooting.

Sec. 17-52. Jurisdiction.

This Ordinance shall apply to all County property, wherever located, and to all unincorporated areas of Durham County.

Sec. 17-53. Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Airgun is defined as any weapon that discharges a projectile or cluster of shot by the use of mechanical spring, compressed air or compressed gas, and shall include BB and pellet rifles, pistols and revolvers.

County property is defined as any building owned by the county or that portion of privately owned property leased by or under the legal possession and control of the county for the transaction of the activities of the county and the appurtenant premises to such a building, to include parking lots and decks. The term also includes the Durham County Memorial Stadium and its appurtenant premises.

Firearm is defined as any weapon or similar instrument that discharges a projectile or cluster of shot by the use of exploding gunpowder and shall include rifles, shotguns, pistols and revolvers.

Sec. 17-54. Prohibited discharge of weapons near other property.

It shall be unlawful for any person to discharge a firearm or airgun within 900 feet of the property or boundary line of any of the following:

- (a) A dwelling house;
- (b) A school;
- (c) A church or religious institution;
- (d) Any other type of building, while occupied;
- (e) A public or private park or recreation area;
- (f) Any other type of public gathering place.

Sec. 17-55. Prohibition on possession of weapons on County property

Except for law enforcement officers, members of the national guard, members of the armed forces, or a county employed security agency, or as permitted by state law, it shall be unlawful for any person to possess or display a firearm or airgun at any time on County property.

Except for law enforcement officers, members of the national guard, members of the armed forces, or a county employed security agency it shall be unlawful for any person to display a firearm or airgun at any time in County parks and recreation areas.

Sec. 17-56. Prohibition of discharge of weapons over roads, sidewalks, and public vehicular areas.

It shall be unlawful for any person to discharge a firearm or airgun in such a way as will result in the projectile therefrom passing across a sidewalk, or across a highway, street, or other public vehicular area.

Sec. 17-57. Restrictions on discharge of weapons near livestock.

It shall be unlawful for any person to discharge a firearm or airgun within 900 feet of any domestic livestock not belonging to him unless such person has on his person written permission for such activity from the owner of the livestock.

Sec. 17-58. Discharge of weapons by minors restricted.

It shall be unlawful for any person, being a parent or guardian of, or standing in loco parentis to, any child under twelve (12) years of age, to permit such child to have possession or custody of, or use in any manner whatsoever, any firearm, whether such firearm is loaded or is not loaded without direct, active adult supervision of the child at all times the child is holding the firearm. It shall be unlawful for any person being a parent or guardian of, or standing in loco parentis to, any child between twelve (12) years of age and fifteen (15) years of age, to permit such child to discharge a firearm without direct, active adult supervision of the child at all times the child is firing the firearm.

Sec. 17-59. Exemptions.

Section 17-54 of this Ordinance shall not apply to any of the following:

- (a) A person discharging a shotgun with any type of shot or load except "slugs," provided that the shooter is 500 feet or more from any of the types of places or structures listed in Section 17-53(a) - (f).
- (b) A rifle, pistol, skeet or trap range, operated by a law enforcement agency, which firing range is substantially in accordance with specifications promulgated by the National Rifle

Association or by an equivalent nationally recognized firearms safety authority for the type and caliber of firearms being fired;

- (c) a person target shooting on his own property (or on another's property if he has on his person written permission for the activity from the owner of the property) exhibiting reasonable regard for the safety and property of other persons (i) if such person is using a backstop substantially in accordance with specifications promulgated by the National Rifle Association or any equivalent nationally recognized firearms safety organization for the type and caliber of firearms being fired, and (ii) if such person has on his person written permission for such activity from all persons owning any of the types of places or structures listed in Section 17-54(a) - (f) which are located within 900 feet of the target shooting activity;
- (d) a person hunting on his own property (or on another's property if he has on his person written permission for the activity from the owner of the property) exhibiting reasonable regard for the safety and property of other persons if such person has on his person written permission for such activity from all persons owning any of the types of places or structures listed in Section 17-54(a) - (f) which are located within 900 feet of the hunting activity;
- (e) law enforcement officers, members of the national guard, members of the armed forces, or a county employed security agency discharging firearms in the line of duty;
- (f) persons discharging firearms for the purpose of shooting or killing any dangerous animal or reptile;
- (g) person discharging a firearm in self-defense;
- (h) firing ranges regulated by the Unified Development Ordinance (UDO).

Sec. 17-60. Posting of signs.

The County Manager is hereby ordered to post appropriate signage on each park, parking lot or deck, building or portion of a building now or hereafter owned, leased as lessee, operated, occupied, managed or controlled by the county, as well as the appurtenant premises to such buildings, and the Durham County Memorial Stadium, indicating the prohibitions applicable therein.

Such signs shall be visibly posted on the exterior of each entrance by which the general public can access the county owned building, appurtenant premise, parking lot or deck, park, and the Durham County Memorial Stadium. The County Manager shall exercise discretion in determining the necessity and appropriate location for other signs posted on the interior of the county owned building, appurtenant premise or park.

Sec. 17-61. Penalty

The violation of any provision of this Ordinance declaring certain actions to be unlawful shall be a misdemeanor and may be punishable upon conviction as provided in Sec. 1-6.

Sec. 17-62. Severability.

It is hereby declared to be the intention of the Board that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and that if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, as the same would have been enacted by the Board without incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

Secs. 17-63-120. -Reserved.

2. This Ordinance shall be effective upon its adoption.

Approved by the Durham County Board of Commissioners by Ordinance this _____ day
of _____, 2019.

SIGNED: _____
Wendy Jacobs, Chairperson
Durham County Board of Commissioners

Public Hearings

Unified Development Ordinance Text Amendment, Omnibus Changes 12 (TC1800002)

Michael Stock, Senior Planner stated the text amendment proposed technical revisions and minor policy changes to various provisions of the Unified Development Ordinance (UDO). He added Joint City/County Planning passed the text amendment at the August meeting with no changes and it was approved by the Planning Commission at the November meeting. Mr. Stock stated the Board was requested to conduct a Public Hearing and adopt two (2) motions.

Commissioner Carter asked if any current or forthcoming changes supported parking and questioned the density bonus. Mr. Stock stated the changes could possibly support parking; for example, removing certain parking for narrow lots, etc. With regards to the density bonus, he stated it would align.

Chair Jacobs stated she was excited to see the changes to the density bonus for affordable housing. Commissioner Howerton asked if Section (8) Eight was removed. Mr. Stock responded it was a part of the neighborhood protection overlay; adding there were concerns regarding the process, so staff agreed to pull them for further review.

Chair Jacobs opened the public hearing. No one was signed up to speak; the public hearing was closed. Chair Jacobs entertained 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 amend Article 3, Applications and Permits; Article 4, Zoning Districts; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 7, Design Standards; Article 9, Landscaping and Buffering; Article 10, Parking and Loading; Article 12, Infrastructure and Public Improvements; Article 13, Additional Requirements; Article 14, Nonconformities; Article 16, Design Districts; and Article 17, Definitions.

The motion carried unanimously.

Unified Development Ordinance Text Amendment, Text-Only Development Plans (TC1800008)

Michael Stock, Senior Planner stated the text amendment TC1800008 would establish a limited text-only development plan option for zoning map change requests to allow proffers that limit uses allowed within the requested zoning district. He added the Board was requested to conduct a public hearing and to adopt two motions.

Chair Jacobs asked would this only pertain to a limit of uses or just one specific use. Mr. Stock responded it would pertain to the limitations of uses in Article 5; adding they were interested in expanding the list in the future.

Chair Jacobs opened the public hearing. No one was signed up to speak; the public hearing was closed. Chair Jacobs 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 Howerton moved, seconded by Vice Chair Hill to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to amend Article 3, Applications and Permits; and Article 5, Use Regulations.

The motion carried unanimously.

Public Hearing to Consider Allocating Economic Development Investment Funds to Project Bengal

Andy Miracle, Economic Development Officer stated the Board was requested to hold a public hearing to consider allocating a total of \$750,000 in Economic Development Investment funds to Project Bengal and authorize the Manager to enter into preliminary negotiations and potentially execute a contract with the company. Project Bengal, a biotechnology company, is expected to invest a minimum of \$60,000,000 and create 200 new jobs with an average wage of approximately \$76,000.

Chair Jacobs opened the Public Hearing and recognized Geoff Durham to speak.

Geoff Durham, Durham Chamber of Commerce expressed his excitement about Project Bengal expanding their Durham location.

The Commissioners stated they were glad to see representation from the company at the meeting. They expressed excitement for their willingness to work actively with Durham Public Schools, Durham Technical Community College, the BRITE Center and North Carolina Central University.

Chair Jacobs stated Project Bengal was creating a template that would set the standard for other companies. She asked if the contract would come back before the Board. Wendell Davis, County Manager responded yes.

Chair Jacobs closed the Public Hearing and entertained a motion from the Board.

Commissioner Reckhow moved, seconded by Commissioner Howerton to authorize the County Manager to enter into preliminary negotiations and potentially execute a contract with the company.

The motion carried unanimously.

Other Business

Presentation of the Fiscal Year (FY) 2018 Annual Financial Audit and Comprehensive Annual Financial Report (CAFR) and the FY 2018 Annual Single Audit and Compliance Report

Susan Tezai, Chief Financial Officer stated this was an overview of the fiscal year 2018 annual audit and introduced Scott Duda, Engagement Partner with Cherry Bekaert, LLP. Mr. Duda shared the *Audit Wrap Up Presentation* which highlighted the following: *Overview, Audit Areas of Focus, Results (Financial Statements, OMB Uniform Guidance, State Single Audit) and the Required Communications.*

The Commissioners asked if repeat findings were significant. Mr. Duda responded it was something to be made aware of. He added however, based on the timing of the report, it was possible to still have case files that were closed. Commissioners referenced page 16 questioning the changes in retiree benefits and page 36 regarding the expenditures by department and sector. Mr. Duda stated he would have to get with staff for clarification about retiree benefits and follow-up with the Board. With regards to the expenditures, it depended on what was causing the variance. Mr. Duda added it could be a one-time transition and just because it was a certain percentage, it did not necessary cause an alarm. Wendell Davis, County Manager explained this was all a part of the Managing for Results/Power BI software.

Directive:

- **The Board requested at the Budget Retreat to allot time to talk about CAFRA.**

Expanding Housing Choices Informational Item

Patrick Young, Planning Director shared a presentation titled Expanding Housing Choices which highlighted the following: *In-Person and Open House Schedule, Choice and Variety of Housing Types, Objectives for Expanding Housing Choices, Menu of Zoning Change Proposals and Timeline.*

Commissioner Reckhow thanked staff for the overview adding she liked the concept of allowing the conversion of larger homes to duplexes. She added in terms of the Accessory Dwelling Units, she was struck by the increase in size from 600sq/ft to 800sq/ft. Commissioner Reckhow questioned whether smaller units were less attractive to buyers. Mr. Young responded yes, they were more convinced that more renters would utilize the space if there were more bedrooms. Commissioner Reckhow expressed her concern that some of the zoning amendments would negatively affect the character of the existing neighborhoods. She also questioned whether the proposals would negatively affect neighborhood protection overlays. Mr. Young responded with regards to the overlay, that the impact would be assessed.

Commissioner Carter asked if the Board would approve this item at the technical level. Mr. Young responded the Board and City Council would approve the detailed text. Commissioner Carter stated she

was most interested in being aggressive in looking at the ability of future residents living in Durham County. She asked if the changes were only for the urban tier. Mr. Young the focus would be in the urban tier.

Commissioner Howerton inquired about the next steps. Mr. Young stated there were two (2) meetings scheduled and they were accepting offers to meet with other groups. He added the item would go before the Planning Commission on February 12th and if it is passed, it would come back to the Board in April.

Vice Chair Hill expressed his concerns about development in established neighborhoods versus less affluent neighborhoods. He hoped those citizens suffering from gentrification would not suffer from this type of development as well.

Chair Jacobs stated she was amazed at all the comments of those in support of this item. She asked if prototypes, models or house plans could be developed. Mr. Young responded Ellen Weinstein and her team were developing a prototype for homeowners that could be used. He added they were also trying to put together a how to guide on navigating the process; most specifically financing. Chair Jacobs asked if the guide would also be applicable for smaller homes. Mr. Young stated due to resources, they had not investigated it for smaller homes. Chair Jacobs emphasized the importance of public transportation and thanked Mr. Young for the presentation.

Discussion of Legislative Priorities for the 2019 General Assembly Session

Deborah Craig-Ray, General Manager provided the Board with area goals and asked for feedback on other areas added. She noted the following areas: *Raise the Age Bill, Increase Early Childcare Fund and Early Childhood Funding/Class Size, School Bond, Capital Project K-12, Expand funding for Mental Health Services and Medicare Expansion and Increase Funds to address Opioid Crisis.*

Chair Jacobs invited Ms. Craig-Ray to attend the Department of Social Services was having a legislative breakfast on January 17, 2019 at 8:30am at the Health and Human Services Building in Conference Room C.

Commissioner Reckhow suggested possible additions to the following:

- Public Safety (asked Ms. Craig-Ray to work with the Santana Deberry, District Attorney regarding the request for more funding – assistant attorney positions)
- Expungement (asked Ms. Craig-Ray to check with the City and get their proposal on expungements, it could be possible that the County could tag on)

Commissioner Carter requested to see the City and Board of Education goals to possibly counterpart. She asked if the County could include anything about eviction laws and the local allowance for school boards to be able to convey property.

Chair Jacobs suggested the MPO policy goals to be promoted at state level and also to promote funding for public transit.

Items Pulled from the Consent Agenda

18-1191 Approval of Contract Amendment for Commuter Rail Transit Cost-Share Agreement

Commissioner Howerton asked for the meaning of “non-Wake County revenue.” Drew Cummings,

Chief of Staff stated the non-Wake County revenue was considered the Durham County funding. Commissioner Reckhow requested to remove the word “Orange” from page one (1) of the new agreement.

Commissioner Reckhow moved, seconded by Commissioner Carter to approve the amended amendment to the cost-share agreement between Durham County and Wake County regarding development of the Commuter Rail Transit (CRT) project.

The motion carried unanimously.

Closed Session

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

- To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session pursuant to G.S.143-318.11(a)(4).

Commissioner Reckhow moved, seconded by Vice Chair Hill to adjourn into Closed Session.

The motion carried unanimously.

Reconvene to Open Session

Chair Jacobs stated the Board met in Closed Session and provided direction to staff.

Adjournment

Commissioner Howerton moved, seconded by Commissioner Carter to adjourn the Regular Session meeting at 10:53p.m.

The motion carried unanimously.

Respectfully Submitted,



Monica W. Toomer
Interim Clerk to the Board