

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

Monday, October 28, 2019

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 and Commissioners Heidi Carter, Brenda Howerton and Ellen Reckhow

Excused Absence: Vice-Chair James Hill

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. **Durham County Recycles Mobile App** – The DCo General Services Department announced the launch of its new mobile application that makes it easier for County residents to stay connected about waste and recycling collection programs.

Residents can download the **FREE** app on their Apple or Android devices. If you do not have a smartphone, you can also visit www.dconc.gov/recycling and search your home address to sign up for reminders and download/print your collection schedule.

2. **Durham Homicide and Victims of Violent Death Memorial Quilt on Display at Durham County Human Services Building** – Beginning November 4th – 30th, Sidney Brodie a native of Durham will be displaying his work at the Durham County Human Services Building located at 414 E. Main Street. Each square on the quilt was designed to memorialize the many lives loss due to violence.

The display is **FREE** to view and open to the public.

3. **Come Hear About the Future of 300 & 500 Blocks of East Main Street** – The Durham Board of County Commissioners (BOCC) selected Laurel Street and ZOM Living to execute on its vision for the two County-owned sites. The proposed plan includes a mix of affordable and

market-rate apartments, commercial space along East Main Street, and parking for tenants and County employees.

Please join Durham County and the development team at one of the following informational sessions:

- Saturday, November 2nd at 10 a.m. at Holton Career and Resource Center at 401 N. Driver St.
- Tuesday, November 12th at 7 p.m. at the Durham County Human Services Building at 414 E. Main St.

For additional details please visit www.dconc.gov/EMainSt.

4. **Health Insurance Marketplace Open Enrollment Period** – The Health Insurance Marketplace at HealthCare.gov serves people who do not get coverage from their job and offers financial assistance for families with incomes from 100% to 400% of the Federal Poverty Level. Most who buy coverage on the federal Marketplace pay \$50 to \$100 per month.

Open enrollment begins November 1 – December 15. To sign up please visit www.healthcare.gov or contact the Marketplace Call Center at 1-800-318-2596.

5. **Annual Veterans Day Celebration** – The Annual Veterans Day Celebration will be held on Friday, November 8, 2019 from 11 a.m. – 1 p.m. at the Durham County Human Services Building located at 414 E. Main Street. The is **FREE** and all Veterans and their supporters are invited to attend.

6. **Engage Durham Hosts its First Community Workshop for New Comprehensive Plan and County Transit Plan** – The Engage Durham Listening-and-Learning Workshops were designed to seek input from people who live, work, own a business, go to school or simply care about the future of Durham.

Five workshops will be held November 14th – 19th to help attendees understand the Comprehensive Plan and how it relates to them. **FREE** childcare and light refreshments will be provided at each workshop. The workshop dates and locations are as follows:

- Thursday, November 14 from 7 p.m. – 9 p.m. at Hillside High School
- Saturday, November 16 from 10 a.m. – 12 p.m. at Carrington Middle School
- Sunday, November 17 from 3 p.m. – 5 p.m. at Southern High School
- Monday, November 18 from 11 a.m. – 1 p.m. at the Durham County Admin II Building
- Tuesday, November 19 from 7 p.m. – 9 p.m. at Rogers-Herr Middle School

For more information about the Comprehensive Plan process or the workshops, please visit www.engagedurham.com/Comprehensiveplan or contact Lisa Miller at 919-560-4137 ext. 28270 or Sara Young at 919-560-4137 ext. 28256.

Chair Jacobs announced the kick-off event to spotlight the placement of the Durham Homicide and Victims of Violent Death Memorial Quilt Exhibit would take place on Wednesday, November 6, 2019, from 6p.m. until 7p.m., at the Durham County Human Services Building, Conference Room C.

Commissioner Reckhow stated she attended the ribbon cutting ceremony on October 24, 2019 for the Childcare Center at Biogen which included a large multi-purpose space with Science, Technology,

Engineering, Mathematics (STEM) Learning for children ages one to five. She was impressed with employers who added childcare for employees; adding STEM Learning would help with the focus of expanding Pre-K.

Commissioner Carter moved, seconded by Commissioner Reckhow to approve an excused absence for Vice-Chair Hill from the September 23, 2019 Regular Session meeting.

The motion carried unanimously.

Minutes

Commissioner Howerton moved, seconded by Commissioner Reckhow to approve the September 23, 2019 Regular Session minutes.

The motion carried unanimously.

Chair Jacobs asked for the effective date of the implementation of the compensation study. County Manager Davis responded the implementation was originally scheduled for the first pay period in December. He added after conversations with the Finance Department, the implementation would be the last pay period in November 2019 due to the preparation of W-2 Forms in December.

Ceremonial Items

Proclamation – Honoring the Dedication and Work of Sidney Brodie

Chair Jacobs read the following proclamation:

HONORING THE DEDICATION AND WORK OF SIDNEY BRODIE | 2019

- WHEREAS,** The Durham County Board of Commissioners recognizes that violent crime and gun violence are a public health crisis; and
- WHEREAS,** Sidney Brodie, a lifelong Durham resident, was inspired to take action after a two-year old girl was shot and killed while playing on a neighbor’s porch; and
- WHEREAS,** in 1996, Sidney Brodie created the Durham Homicide and Victims of Violent Death Memorial quilt to honor those lost to violence; and
- WHEREAS,** Sidney Brodie sews one new square by hand onto the quilt every time a person is killed in Durham, in remembrance of the victims; and
- WHEREAS,** Sidney Brodie has devoted his life to illuminating the destructive outcome of fear and despair; to helping Durham’s citizens pay attention to the problem and begin conversations to end the violence; and
- WHEREAS,** Sidney Brodie’s tremendous personal sacrifices and continuing dedication to making Durham a safer community for all its residents exemplifies how one individual can make a difference;

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 recognize and honor the dedication and remarkable life's work of

“SIDNEY BRODIE”

and call on the residents of Durham County to join us in honoring Sidney Brodie's legacy by working together to find ways to end violence in Durham.

This 28th day of October 2019.

Wendy Jacobs, Chair
Durham Board of County Commissioners

Sidney Brodie, Durham resident explained he started the memorial quilt to begin discussion and be involved with ways to stop violence. He added his goal was for every family in Durham to see the quilt over the next two years. Mr. Brodie thanked the Board for coming out to see the quilt in the community and for making his job easier by allowing the quilt to be displayed in a County building for public viewing. He added his goal was to stop adding to the quilt and have it displayed in a museum.

The Board thanked Mr. Brodie for his work on the quilt, his contribution to the Durham community and for bringing attention to violence in Durham.

Recognize Keshia Gray for Receiving the 2019 Willis Young Memorial Award on the Frontlines of Violence

Chair Jacobs congratulated Keshia Gray, Lead Outreach Worker with Bull City United on behalf of the Board for receiving the Will Young Memorial Award. She explained how the award winners were selected and shared nomination information for Ms. Gray.

Keshia Gray thanked her work team for nominating her for the award and expressed how honored she was to be able to work with the team. She added she was thankful to be able to provide services and support to Durham County citizens. Ms. Gray thanked the Board for the recognition and for understanding the importance of her job. She also thanked her family and friends along with Gayle Harris for researching and starting the Bull City United Program.

Video and Resolution from Made in Durham

The Board watched a short video from the youth-led Made in Durham event on May 7, 2019.

Commissioner Carter read the following resolution:

**RESOLUTION IN SUPPORT OF A DURHAM WORK-BASED LEARNING COLLABORATIVE
COMMUNITY AWARENESS CAMPAIGN**

WHEREAS, Durham enjoys a thriving economy and a 2018 mean family income of \$102,861, and yet one in five Durham families with children who still live in poverty; and

WHEREAS, in 2018, Durham saw 5.4 percent wage growth and the highest weekly wages paid in the state of North Carolina, but the percentage of jobs held by Durham residents decreased; and

WHEREAS, children in the lowest income quintile have a 39 percent chance of staying there as adults and without both high-demand skills and education and access to good jobs in the local economy, their odds are unlikely to improve; and

- WHEREAS**, since Durham is part of a regional economy with full employment levels, the youth talent pipeline is critical to Durham’s future growth; and
- WHEREAS**, with North Carolina projected to add more than 550,000 jobs by 2024 and Durham experiencing twice the rate of job growth of the United States last year, identifying sources of future talent is critical to continued economic development; and
- WHEREAS**, improving outcomes for Durham youth will depend upon our ability to both prepare and connect Durham’s young adults as future employers in the local economy, also ensuring Durham’s continued competitive advantage in attracting and retaining high-growth industries; and
- WHEREAS**, understanding this challenge, key partners in the public, private and philanthropic communities in Durham have been working on a strategy aimed at increasing educational and career readiness for all Durham youth age 14-24; and
- WHEREAS**, this strategy calls for a community-wide effort to build a high-quality work-based learning (WBL) system that focuses on career, adds relevance to school and begins to address inequalities in Durham’s labor market; and
- WHEREAS**, work-based learning is a proven strategy benefitting both employers and youth by preparing young adults for work through career awareness, exposure and experiences; and
- WHEREAS**, work-based learning programs have shown participating minority students enrolling in college at twice the rate of non-participating minority students; and
- WHEREAS**, students who participate in work-based learning receive higher postsecondary GPAs and are more likely to be employed after graduation; and
- WHEREAS**, employers who participate in work-based learning programs can generate their own highly skilled workers internally, developing a more reliable local talent pipeline for their business while also increasing their brand awareness among youth and the larger community; and
- WHEREAS**, though many agencies, schools and non-profits in Durham have been independently using work-based learning as a tool to promote college and career readiness, much room remains for improved collaboration; and
- WHEREAS**, building on the existing YouthWork program funded by the City, Durham County and Durham Public Schools, and the new DPS 3-2-1 program, a new collaborative was formed, the Durham Work-Based Learning (WBL) Collaborative; and
- WHEREAS**, Made in Durham convened the Collaborative that now has 17 organizations in Durham working together to meet the needs of Durham’s youth and employers with a unified set of goals and outcomes; and
- WHEREAS**, the Durham Work-based Learning (WBL) Collaborative is conducting a 6-month public awareness campaign around the benefits and opportunities that the programs in the Durham Work-based Learning (WBL) Collaborative can provide to both Durham youth and employers; and
- WHEREAS**, this campaign is designed to inform youth, parents, and employers about work-based learning and encourage everyone to participate.
- NOW THEREFORE, BE IT RESOLVED** by the Durham County Board of County Commissioners that
- the Durham Work-based Learning Collaborative is an important initiative for Durham’s successful economic development success, and that
 - the Board of Commissioners DO HEREBY strongly support the campaign to educate and encourage students, parents and employers to actively participate in the opportunities to learn about the benefits and programs offering work-based learning in Durham as a critical component to our vision of a shared prosperity for all of Durham’s residents.

This 28th day of October 2019.

Wendy Jacobs, Chair

James Hill, Jr., Vice-Chair

Ellen Reckhow, Commissioner

Casey Steinbacher, Executive Director for Made in Durham stated all organizations in Durham would have to come together to help create and strengthen education-to-work pipelines and to create compelling and functional pathways for Durham's youth to see and move towards living wage work in Durham. She added Made in Durham would advertise for six months and provide social capital to the youth in Durham. Ms. Steinbacher explained the start of the campaign was highlighted in the Durham Magazine which led to the magazine hiring a youth intern. She asked for help from the companies in Durham to fulfill the need to hire the 2500 youth in Durham as interns.

The Board thanked Ms. Steinbacher for her efforts and hard work for the youth in Durham. Chair Jacobs stated a system was needed to help more youth with the education-to-work pipeline in Durham.

Durham County Government had been recognized by the Public Technology Institute as a recipient of the 2019 PTI Solutions Award for use of predictive analytics to strengthen the County's foster care effort

Ben Rose, Director of Department of Social Services (DSS) thanked the Board for the recognition of the 2019 PTI Solutions Award. He added the DSS Department was exploring predictive analytics to strengthen the County's foster care effort to help meet the needs of the children in foster care, program budget and data. Mr. Rose stated some of the predictive analytics were used in the budget and hoped to continue the practice to determine trends, predict future and prevention services.

Brandon Mitchell, Assistant Director of DSS thanked Information Systems and Technology (IS&T) Department for their help and leadership moving forward with predictive analytics.

Rebecca Hartigan, IS&T Project Manager explained the project success was due to the collaboration of different departments. She thanked IS&T and was excited Durham County would continue to use predicative analytics.

Leslie Hamashima, Assistant IS&T Director stated predictive analytics was a buzzword with many for a lot of people; however, many were not familiar with the process. He added Durham County continued to use technology to benefit the community.

Chair Jacobs thanked the employees for their hard work and collaborative efforts. She appreciated the money being saved by not utilizing an outside company to do the job.

Consent Agenda

Chair Jacobs asked the Board if they requested to pull or comment on any items on the Consent Agenda. Hearing none, Chair Jacobs entertained a motion for approval.

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

The motion carried unanimously.

*19-0500 Property Tax Releases and Refunds for September 2019

Consent Agenda Item #19-0500

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 2019.

Releases and Refunds – September 2019

Real Property	\$ 38,153.28
Personal Property	\$ 55,352.10
Solid Waste	\$ 476.43
VTS Refunds	\$ <u>20,472.87</u>
Total	\$ 114,454.68

Releases & Refunds for Prior Years
2015 - 2018

Personal Property	\$ 3,505.57
Solid Waste	\$ 456.62
Real Property	\$ <u>0.00</u>
Total	\$ 3,962.19
 Grand Total	 \$ 118,416.87

Public Hearings

Leesville Road Boat and RV Storage

Jamie Sunyak, Senior Planner stated all the Planning Department public hearing items were advertised and noticed in accordance with the local and state law. Ms. Sunyak shared a presentation titled “*Leesville Road Boat and Recreational Vehicle (RV) Storage*” which highlighted the following: Case Summary, Text Only Development Plan, Aerial Map, Site Photos, Area Photos, Zoning Context, Future Land Use Maps, CG District Dimensional Standards, Comprehensive Plan Policies, and Staff Determination. She added the Planning Commission recommended approval 11-0 at their August 13, 2019 meeting.

The Board asked what led to a Planning Commission members comments regarding no commitment from the applicant to house the boats and RVs in buildings that would not be visible from the road. Ms. Sunyak responded the statement was derived from the applicant describing the facility; adding the site would be required to be screened if visible from the road based on limited use requirements in the CG District. The Board stated they would like to be ensure that the boats and RVs would not been seen from the road and would not impact the roadscape. Ms. Sunyak replied the Planning Department requirements would make sure the site was screened with a fence; she continued to say the applicant would have to adhere to any project boundary buffer requirements. Patrick Young, City-County Planning Department Director stated Unified Development Ordinance had a requirement for all storage buildings and outdoor storage to be screened with fencing, location on site and vegetation.

Warren Mitchell, applicant introduced his business partner David Durham and stated he would confirm all buildings and outside storage would be screened, however he was not allowed to add the language as a commitment on the application. He explained the plan was to build the storage buildings in a fortress method and the entire perimeter would be the exterior of the buildings. He added the only house near the site was a rental property north of the site.

The Board asked Mr. Mitchell if the site plan included keeping all the trees on the property. Mr. Mitchell replied the plan was to keep as many of the trees as possible and to replant the trees that would be cleared. He added all the trees would remain in the buffer and power easement area. The Board asked Mr. Mitchell to explain the self-service storage site plan. Mr. Mitchell responded the site plan included storage buildings with garage doors and some canopies – similar to ones at the airport, with all the facilities screened from adjacent properties. He added there would not be an office onsite.

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

First Motion:

Commissioner Carter moved, seconded by Commissioner Reckhow to adopt a Consistency Statement as required by 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* by taking property out of the Rural Residential (RR), and Falls/Jordon Watershed Protection Overlay B (F/J-B) zoning districts and establishing the same as Commercial General with a Text-Only Development Plan (CG(D)) and Falls/Jordon Watershed Protection Overlay B (F/J-B).

The motion carried unanimously.

Unified Development Ordinance Text Amendment, FEMA FIRM Updates (TC1(000003))

Michael Stock, AICP, Senior Planner stated all the Planning Department public hearing items were advertised and noticed in accordance with the local and state law. He added the text amendment updates were to address the outstanding panels that were left out due to adjoining other counties and needed approval.

The Board inquired about the one-percent future conditions and the acreage involved. Mr. Stock replied the future conditions were different mapping hydrology on all flood insurance maps regulated in addition to the numbers based on the 100-year site flood maps. He added the future conditions showed the flood plain beyond the 100-year flood maps. The Board inquired about how County residents affected by the changes would be notified. Mr. Stock responded residents would be notified of changes and have the opportunity to ask questions and appeal those changes.

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

First Motion:

Commissioner Carter moved, seconded by Commissioner Reckhow to adopt a Consistency Statement as required by 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 amend Article 8, Environmental Protection.

The motion carried unanimously.

Unified Development Ordinance Text Amendment, Expanding Housing Choices (TC180007) – DURHAM COUNTY JURISDICTION ONLY

Patrick Young, City-County Planning Director stated all the Planning Department public hearing items were advertised and noticed in accordance with the local and state law. Mr. Young shared a presentation titled “*Expanding Housing Choices*” which highlighted the following: Timeline Summary, Tracking and Monitoring, County Jurisdictional Items and Website.

The Board asked what measurements would be tracked in the six-month report. Mr. Young responded the number of new units allowed and being developed prior to October 2019, land subdividing, land sale prices, demolition data and mixed housing in neighborhoods.

Chair Jacobs opened the public hearing.

Dan Jewell, citizen, stated he supported the proposal and it was necessary to handle the growth in Durham.

Nick Dotty, citizen, stated he supported the proposal, although the proposal was not enough for long-term sustainability.

Mimi Kessler, citizen, stated she supported the proposal and had concern with lower income residents being displaced out of Durham. She wanted metrics to include baseline tracking of displaced residents and relocation of displaced residents.

Jim Anthony, citizen, stated he supported the proposal and welcomed creating more housing in Durham.

Ellen Pless, citizen, stated she supported the proposal and additional efforts of the Board. She suggested developing a robust Airbnb policy and plan for stormwater impacts with expanding housing.

Chair Jacobs closed the public hearing and thanked the citizens for their comments and suggestions.

The Board asked if a report of the proposed set of metrics would be presented in January 2020 along with baseline data from 2019. Mr. Young responded yes. The Board asked Mr. Young to consider adding tracking of Airbnb and other vacation rentals to the metrics.

The Board asked if the resolution would be shared and adopted by the City Council. Mr. Young replied the Planning Department intended to apply the changes and implement them for the City. The Board inquired about tracking the environmental impacts of housing expansion. Mr. Young responded the plan was to work with City Departments to track capital projects planned.

The Board thanked Mr. Young and the City-County Planning staff.

First Motion:

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

The motion carried unanimously.

Second Motion:

Commissioner Carter moved, seconded by Commissioner Reckhow to adopt an ordinance amending the *Unified Development Ordinance*, incorporating revisions to amend Article 4, Zoning Districts; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 7, Design Standards, Article 13, Additional Requirements for Subdivisions; Article 14, Nonconformities; and Article 17, Definitions.

The motion carried unanimously.

Third Motion:

Commissioner Reckhow moved, seconded by Commissioner Howerton to adopt a resolution regarding the development and reporting of metrics for Expanding Housing Choices and a substitute resolution prepared by Durham County that includes the more extensive list of metrics and the review after three years.

The motion carried unanimously.

Unified Development Ordinance Text Amendment, Tree Coverage and Landscaping

Michael Stock, AICP, Senior Planner stated all the Planning Department public hearing items were advertised and noticed in accordance with the local and state law. He added the text amendment included amendments to landscaping, buffering and tree coverage standards for additional buffers for residential development sites that are mass graded, to establish or retain more tree canopy, to modify requirements for street trees, and to strengthen current specimen tree requirements. Mr. Stock stated amendments pursuant to consideration of the *TreesDurham* requests submitted were proposed.

The Board asked if all requirements for street trees were removed and if any were amendments to the street tree approach. Mr. Stock replied the bulk changes requiring right-of-way were being reserved for future Text Amendments and amending some changes to street tree standards. The Board stated the community led the tree issue which led to the development of the policy. They also expressed disappointment with not moving forward with trees in the right-of-way. Mr. Stock responded in zoning districts other than design districts, street trees were required to be outside of the right-of-way unless specifically allowed by Public Works or North Carolina Department of Transportation (NCDOT), as applicable.

The Board inquired about monitoring tree root zone protection to keep trees alive. Mr. Stock responded monitoring was done through the site plan review. The Board stated street trees were needed in compact neighborhoods for shade and safety. Mr. Stock stated compact tiers were designed for intense form and have tree requirements that included trees in right-of-way.

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

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 Howerton moved, seconded by Commissioner Reckhow to adopt an ordinance amending the *Unified Development Ordinance*, incorporating revisions to amend Article 4, Zoning Districts; Article 8, Environmental Protection; Article 9, Landscaping and Buffering; and Article 17, Definitions.

The motion carried unanimously

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.

Adult Care Home Community Advisory Committee

Michelle Digsby (Carter, Hill, Howerton, Jacobs, Reckhow)

Durham City-County Appearance Commission

(i)**Tamario Howze** (Carter, Howerton, Jacobs, Reckhow)

Board of Adjustment

Myca Jeter (Carter, Howerton, Jacobs, Reckhow)

Community Child Protection/Child Fatality Prevention Team

Valerie Jarrett (Reckhow)

Kibwe G. MuDiwa (Carter, Howerton, Jacobs)

Discover Durham Tourism Development Authority

Jennings Brody (Carter)

Daniel Edwards (Carter, Howerton, Jacobs, Reckhow)

Jonathan Stewart (Howerton, Jacobs, Reckhow)

Industrial Facilities and Pollution Control Financing Authority

Andrew Holland (Carter, Hill, Howerton, Jacobs, Reckhow)

Workforce Development Board

(i)**James Alston** (Carter, Howerton, Jacobs, Reckhow)

Ashley McKenna (Carter, Jacobs, Reckhow)

Adjournment

Commissioner Howerton moved, seconded by Commissioner Reckhow to adjourn the Regular Session meeting at 9:55 p.m.

The motion carried unanimously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Macio Carlton". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Macio Carlton
Deputy Clerk to the Board