

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

Monday, February 24, 2020

7:00 P.M. Regular Session

MINUTES

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

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

Presider: Chair Wendy Jacobs

Opening of Regular Session – Pledge of Allegiance

Agenda Adjustments

Chair Jacobs entertained a motion for the Board to adjourn into Closed Session after agenda adjustments.

First Motion:

Commissioner Reckhow moved, seconded by Vice-Chair Hill to adjourn into Closed Session after the agenda adjustment.

The motion carried unanimously.

Commissioner Howerton asked to add public comments and for Timothy Dwane Brinson, Tax Administrator to explain property tax relief options for homeowners. Chair Jacobs replied Mr. Brinson could explain property tax relief options with the property tax releases and refunds for January 2020.

First Motion:

Commissioner Howerton moved, seconded by Vice-Chair Hill to add public comments to the agenda.

The motion carried unanimously.

Second Motion:

Vice-Chair Hill moved, seconded by Commissioner Howerton to add the public comments to the agenda before Closed Session.

The motion carried unanimously.

Chair Jacobs opened the public comments

The following citizens requested that the Board conduct an outside investigation to address the claims by County Manager Wendell Davis against Commissioner Carter: *Antonio Jones, Dwight Perry, Carl Kenney, Joshua Gunn, Omar Beasley, Edward Bell, Jackie Wagstaff, Andrea Muffin Hudson, Brian Callaway and Dr. E. Lavonia Allison, Jarvis Martin*

Chair Jacobs thanked the citizens for attending the meeting and their comments.

Commissioner Carter responded to the public comments:

“I have listened carefully and I want you to know that I hear your concerns and do not take them lightly. I just want to respond briefly.

I am deeply disturbed and disappointed that the Manager did not come to me individually, nor did he ask to meet with the Board in Closed Session about any of these matters. I am very concerned that this County Manager, or any County Manager, would make these harsh, unsupported accusations, and in such a public way two weeks before an election.

I did hear from a wise friend that there are two (2) parts to communication: Intent and Impact. And these are so very difficult. My intent was in no way to diminish the County Manager’s leadership or my respect for him, if that was the impact any of my messages have had over the years, please know that I did not intend them that way. Rather, my intent was to express my concern related to some operation of County government, the most recent case being my concern related to the urgent DPS facilities needs.

But I want to be clear, and it is important for my integrity that I say this: I unequivocally deny the misquotes in the letter and that my actions were racially motivated. That is simply not true! My relentless and passionate advocacy for our school children is because I believe public education is the system where we have the greatest opportunity to address racial inequities. I will not apologize for this advocacy. I will continue to invest in strong public schools operations and facilities for the sake of our children’s future and to improve the lives of people of color. Working together alongside my colleagues and Leaders of Color in our community. I will push for investments that fight back against the harmful impacts of racism: investments in Public Schools – yes, but

also PreK; Affordable Housing; Access to Healthcare; Food Security; and Reliable, frequent bus service. This is the work of building an equitable and inclusive City and County. And it will require all of us working together. Nothing is going to deter me from doing that work.”

Closed Session

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

To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session per G.S.143-318.11(a)(6).

Commissioner Carter moved, seconded by Commissioner Reckhow to adjourn into Closed Session.

The motion carried unanimously.

Reconvene to Open Session

Chair Jacobs announced the Board met in Closed Session and requested that the Clerk to the Board contact the North Carolina Association of County Commissioners (NCACC) for recommendations for outside council on advice for the Board and consult with the University of North Carolina School of Government (SOG) and the International City/County Manager Association (ICMA) to provide information to the Board of County Commissioners regarding a broad investigation of all issues related to this situation.

Chair Jacobs acknowledged the difficult situation and reiterated that the Board would be working with the NCACC, the SOG and ICMA to get expert assistance from a neutral party to navigate this process.

Announcements

1. **Voting Information for the March 3, 2020 Primary Elections is as follows:**
 - Photo ID is **NOT** required for the 2020 Primary Election
 - Absentees-by-mail voting request deadline is **February 25th** and they must be returned to the Board of Elections by Tuesday, March 3rd
 - Early voting for the primary election is now underway and continues until **Saturday, February 29th**

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

2. **Durham Planning Academy See Spring 2020 Applicants** – Have you ever wondered what zoning can and cannot do or questioned how things get built in Durham? If you've answered yes, then you should apply for the next Durham Planning Academy.

The **FREE** interactive four-week course begins Thursday, March 26, 2020 with participants meeting every Thursday for four weeks. Online applications are now being accepted until Sunday, March 1, 2020.

To apply, please visit www.durhamnc.gov/3174/Planning-Academy and for additional questions, please contact Kayla Seibel, Senior Planner at 919-560-4137 ext. 28271 or by email kayla.seibel@durhamnc.gov

3. **The Durham County Juvenile County Prevention Council (JCPC) is requesting proposals for fiscal year 2020-2021** - The JCPC anticipates funds from the NC Department of Public Safety (DPS) in the amount of \$701,101 to fund programs that will serve delinquent and at-risk youth. The application deadline is March 31, 2020. Additional information can be found on the Criminal Justice Resource Center's website: www.dconcgov/government/departments-a-e/criminal-justice-resource-center/youth-services/jcpc.

For interested organizations, informational meetings are scheduled for Tuesday, March 11, 2020 and Tuesday, March 19, 2020 from 1:00 p.m. at the Criminal Justice Resource Center located at 326 East Main Street.

4. **Grand Re-Opening of the Bragtown Branch Library** – Please join us on March 11, 2020 from 12:00 p.m. - 2:00 p.m. in celebrating the re-opening of the Bragtown Branch Library at 3200 Dearborn Drive. Events are scheduled throughout the day beginning at 10:00 a.m.

For re-opening details, please visit www.dconcgov

5. **2020 Golden Leaf Awards Nominations are 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 2020 Golden Leaf Awards.

Nominations can be submitted at <https://durhamappearance.com/entry-form> and are due by 5:00 p.m. on Tuesday, March 13th. For additional information please contact Senior Planner Kayla Seibel at 919-560-4731 ext. 28271 or by email kayla.seibel@durhamnc.gov.

Chair Jacobs announced former Commissioner Joe Bowser passed on February 14, 2020. He served on the Durham Board of County Commissioners from 1996 until 2004, and from 2008 until 2012.

Commissioner Reckhow announced she and Commissioner Howerton attended the Think Babies North Carolina Conference and the Family Connects Durham Program where the County was

commended for their leadership. She added Commissioner Howerton was presented the 2020 Outstanding Baby Advocate Award for her advocacy to move the needle for babies and their families not only in Durham County, but in all 100 North Carolina Counties and beyond. It was mentioned that Commissioner Howerton launched the 100 Counties, Helping Our Children Thrive initiative during her Presidency of the North Carolina Association of County Commissioners (NCACC) which invited counties to find solutions to give all children the essentials to thrive by developing their own plans for innovative programs ranging from prenatal care to early childhood education. Commissioner Reckhow added Commissioner Howerton was recognized for putting the spotlight on babies and families in her work with Durham County Commissioners.

Commissioner Howerton stated it was an honor and privilege to receive the award and thanked the Board and the Durham community. She also highlighted the two previous Presidents of the NCACC for continuing to implement parts of her initiative throughout the State of North Carolina.

Minutes

Commissioner Reckhow moved, seconded by Vice-Chair Hill to approve the December 2, 2019 Work Session minutes.

The motion carried unanimously.

Ceremonial Items

Retirement Resolution to honor Interim EMS Director Kevin Underhill

Chair Jacobs read the following resolution.

KEVIN UNDERHILL

WHEREAS, for nearly 26 years, Kevin Underhill has been an integral part of the success of Durham County's Emergency Medical Services Department and indeed Durham's healthcare continuum; and

WHEREAS, in 1992 Kevin joined Durham Regional Hospital as an Unscheduled Part-Time EMT-Paramedic and in 1994, he became a Regular Full-Time Paramedic and shortly thereafter a Paramedic II; and

WHEREAS, in 1998 when the Emergency Medical Services function was transferred from Durham Regional Hospital to Durham County Government, he quickly demonstrated his professional skills and leadership capabilities, and in 1999 Kevin was promoted to Special Programs Coordinator where he was responsible for coordinating EMS continuing education, identifying community needs, and managing an enhanced hiring process; and

WHEREAS, over his tenure he assumed more challenging positions including a stint as the Quality Assurance Coordinator, where he was responsible for performance improvement and quality management for each EMS agency and fire department that provides prehospital care as a first responder, advanced life support or basic life support transport in Durham County; and

WHEREAS, Kevin successfully served as a member of the EMS Senior Management Team which led to his reclassification as Managing EMS Officer II, to better capture the full scope of his duties for the Department; and

WHEREAS, following the departure of the Director of EMS in March 2017, Kevin was appointed to serve as the Interim Director of EMS during which time he led the organization with integrity and distinction, and

WHEREAS, most notably, Kevin worked with world-renowned cardiologist Dr. Chris Granger at Duke Health to develop what is now the national standard of care for the AMI (acute myocardial infarction) patient; Kevin, Dr. Ganger and Dr. Jamie Jollis developed this standard that involves the field transmission of ECG data directly to the cardiologist at the receiving hospital. This also led to transporting patients directly to the cardiac catheterization lab in the hospital, avoiding treatment delays caused by a stop in the ED, and thus saving more lives, and

WHEREAS, Kevin Underhill will long be remembered for his professionalism, enthusiasm, innovation, compassion and his true and abiding concern for the health and wellbeing of all.

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to pay tribute to

KEVIN UNDERHILL

For 26 years of dedicated services to Durham County Government and the citizens of Durham County and beyond.

BE IT FURTHER RESOLVED that we wish him abundant favor, health, and joy upon his well-deserved retirement.

This the 24th day of February 2020.

Wendy Jacobs, Chair

James Hill, Jr., Vice-Chair

Heidi Carter, Commissioner

Brenda A. Howerton, Commissioner

Ellen Reckhow, Commissioner

Kevin Underhill, Interim Director of EMS thanked his family members and the EMS staff for their support in making his career successful. He thanked the Board, County Manger Davis, and staff for being supportive.

The Board thanked Mr. Underhill and the EMS Department for high levels of satisfaction from the community survey results; for his service and commitment to the Durham community and EMS improvement in needed areas and for his leadership with the Procedures of Care and the Community Paramedics Program.

Consent Agenda

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

Commissioner Howerton asked Timothy Dwane Brinson, Tax Administrator to explain property tax relief options for homeowners.

Mr. Brinson stated coupons to pay monthly payments were included in the tax bill package mailed to homeowners. He added homeowners with delinquent bills could call the tax office to setup payment arrangements or see if they qualified for relief options. Commissioner Howerton asked Mr. Brinson to explain the relief options. Mr. Brinson responded Elderly Disabled Homestead Exemptions, Circuit Breaker-Elderly/Disabled Deferment Program, Disabled Exclusion and Present Use Value.

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

Commissioner Reckhow moved, seconded by Commissioner Howerton to approve All items on the Consent Agenda except 20-0087.

The motion carried unanimously.

*20-0070 Capital Project Amendment No. 20CPA000022 Reallocating Funds from Collection System Rehab (SE051) to Stirrup Iron Creek Capital Project (SE056).

*20-0077 Property Tax Releases and Refunds for January 2020.

20-0078 Advertisement of 2019 Tax Liens on Real Property.

20-0081 Extension of the 2020 Listing Period for Business Personal Property.

Consent Agenda Item #20-0070

**Durham County, North Carolina
2019-20 Capital Project Ordinance
Amendment Number 20CPA000022**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2019-20 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

Project	Current Budget	Increase/ Decrease	Revised Budget	Project Status
Collection System Rehab (SE051)	\$3,091,705.67	(\$32,092.40)	\$3,059,613.27	Amending

Stirrup Iron Creek Capital Project (SE056)	\$1,025,209.00	\$32,092.40	\$1,061,301.40	Closing
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Adopted this the 24th day of February 2020.

Consent Agenda Item #20-0077

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 January 2020.

Releases and Refunds – January 2020

Personal Property	\$ 0.00
Real Property	\$ <u>13,749.49</u>
Total	\$ 13,749.49

Releases and Refunds for 2019 Taxes

Real Property	\$ 125,156.50
Personal Property	\$ 17,363.66
Motor Vehicle	\$ 0.00
Solid Waste	\$ 476.43
VTS Refunds	\$ <u>10,849.46</u>
Total	\$ 153,846.05

Releases & Refunds for Prior Years
2014 – 2018

Real Property	\$ 4,602.55
Personal Property	\$ 1,671.64
Solid Waste	\$ <u>0.00</u>
Total	\$ 6,274.19

Grand Total \$ 173,869.70

Boards and Commission Appointments

Monica Toomer, 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). Individual who are recommended by a Board are underlined. Individuals listed in bold print were appointed.

Board of Health

Roger McDougal (Carter, Hill, Howerton, Jacobs, Reckhow)

(i)**James Miller** (Carter, Hill, Howerton, Jacobs, Reckhow)

(i)**Robert Rosenstein** (Carter, Hill, Howerton, Jacobs, Reckhow)

Victoria Orto (Carter, Hill, Jacobs, Reckhow)

Diana Whitted (Howerton)

Boxing and Wrestling Commission

Mya Bass (Carter, Hill, Howerton)

Robert Glenn (Jacobs, Reckhow)

Durham County Women's Commission

Montrelle Caldwell (Hill)

Larua Meyer (Carter, Howerton, Jacobs, Reckhow)

Items Pulled from the Consent Agenda

20-0079 Refund of erroneously paid excise tax pursuant to NC G.S. - 105-228.37

E. Lavonia Allison, Citizen stated the General Statute had not been reviewed since 2011 and requested the County Attorney review and make necessary changes. Sharon Davis, Register of Deeds explained the purpose of this refund and responded that an Attorney submitted a document to Durham County incorrectly requesting a refund and this item was correcting an error made by that Attorney.

Waldo Fenner, Citizen stated his property value doubled with the revaluation. He stated an appeal was filed and the tax office illegally took funds from his bank account for property taxes. Chair Jacobs asked Mr. Fenner if he reached out to Dwane Brinson, Tax Administrator. Mr. Fenner responded he had not contacted Mr. Brinson and would handle the matter during his appeal hearing in Raleigh.

20-0087 Board of Elections Contract Amendment with SouthData

E. Lavonia Allison, citizen stated Durham County Board of Elections would not allow her to enter an early voting site to introduce a visitor to staff. She added the Executive Director of the Board of Elections was called and stated General Statutes would not allow visitors to be introduced to staff at voting sites.

Commissioner Reckhow moved, seconded by Vice-Chair Hill to approve Consent Agenda items 20-0079 and 20-0087.

The motion carried unanimously.

Adjournment

Commissioner Reckhow stated she requested board member overviews from the Commuter Rail Feedback Meeting, and she would provide the information to the Board once received. Chair Jacobs added Bill Bell was the Chair of the Commuter Rail Board.

Commissioner Howerton moved, seconded by Commissioner Reckhow to adjourn the Regular Session meeting at 9:14 p.m.

The motion carried unanimously.

Respectfully Submitted,

Macio Carlton
Deputy Clerk to the Board