

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

Monday, September 28, 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 announced that there were no agenda adjustments.

**Announcements**

Chair Jacobs read the following announcements:

1. **Durham Center for Senior Life Presents: Everyday Essentials Supply Drive** – The DCSL will be hosting a supply drive and are seeking donations. Curbside drop-off will begin on Wednesday, September 30, 2020 from 9 a.m. – 12 p.m.

For a list of items needed, please visit [www.dcslnc.org](http://www.dcslnc.org) or call 919-688-8247

2. **EAT NC Delivers DPS School Meals** – If your DPS Student is attending school at home and you are unable to pick up school meals from a DPS site, please sign up for EAT NC's weekly home meal deliveries by visiting [www.eatnorthcarolina.org/dpsschoolmeals](http://www.eatnorthcarolina.org/dpsschoolmeals)

This work is made possible by Durham County Government and a growing list of businesses, organizations and people. To support his effort, please visit <https://tinyurl.com/drivemeals>

3. **Durham Pre-K is Still Accepting Applications for the 20-21 School Year** – Durham PreK is still accepting applications for this school year. Please note there will be **NO monthly parent fees** this year due to COVID-19 regardless of family income.

For more information please call 1-833-773-5338 or visit [www.durhamprek.org/enrollment](http://www.durhamprek.org/enrollment)

4. **DCHC MPO Seeks Comments on U.S. 15-501 Corridor Study** – The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization is now seeking public feedback on their proposed

study for the corridor. This study identifies future highway, transit, bicycle, pedestrian and other transportation improvements along U.S. 15-501.

Those interested in submitting comments can do on Wednesday, October 14<sup>th</sup> beginning at 9 a.m. during the public hearing. Please contact Andrew Henry by phone at 919-560-5366 ext. 36419 or by email at [andrew.henry@durhamnc.gov](mailto:andrew.henry@durhamnc.gov) for more information.

5. **Triangle Commuter Rail Survey** – The Triangle Commuter Rail Line included in the transit plans of Wake and Durham counties has entered its last preliminary study phase and planners will be asking for public input throughout the next 12-18 months.

Please visit [www.goforwardnc.org/commuterrail](http://www.goforwardnc.org/commuterrail) to complete the survey and share your input.

6. **State Announces Additional \$40 Million COVID Relief for Small Businesses** – The N.C. Mortgage, Utility and Rent Relief program can provide up to \$20,000 in relief funds per qualifying business location. Business applicants from certain industry sectors that have not been able to operate during the COVID period may apply for up to two of their business locations. Applicants can apply for up to four months of mortgage interest or rent expenses, and utility expenses. Applications to the program will be handled on a first-come, first-served basis and applicants must certify that they were closed during the period April 1 through July 31, 2020; they expect to be able to operate after the COVID crisis has passed; and they have not been reimbursed by any other federal source for the expenses for which they seek reimbursement through this program.

For more information: <http://www.nccommerce.com/murr>

7. **Coronavirus Economic Support for Families: Extra Credit Grant Program** – Most NC families with children ages 16 or younger are eligible for a \$335 COVID-19 relief payment. Eligible families will receive the payment automatically, however; if you did not file a 2019 state tax return, you may qualify if you apply before October 15, 2020.

For more information, please visit [www.ncdor.gov/extracredit](http://www.ncdor.gov/extracredit)

8. **Triangle Career Expo** – If you are an employer and would like to participate in the Career Expo, please register by visiting <https://premiervirtual.com/event/register-company/1337-triangle-career-expo>

The expo will be held on Thursday, October 8<sup>th</sup> from 9:00 a.m. – 2:00 p.m. This FREE event for businesses will offer branding for your booth, live chat/video with candidates and the review of real-time applications.

Commissioner Carter announced the Animal Protection Society (APS) of Durham was accepting pet food donations for the Pet Food Assistance Program. She added pet owners needing assistance could complete the request form on the APS of Durham website: [apsofdurham.org](http://apsofdurham.org).

Chair Jacobs announced citizens were able to fill out a survey for the planned bike route between Durham, Orange and Wake counties.

## Minutes

Commissioner Reckhow moved, seconded by Commissioner Carter to approve the August 3, 2020 Work Session and August 10, 2020 Regular Session minutes.

The motion carried unanimously.

## Ceremonial Items

### **20-0513 Proclamation – Domestic Violence Awareness Month**

Chair Jacobs read the following resolution:

#### **DOMESTIC VIOLENCE AWARENESS MONTH | 2020**

- WHEREAS,** the safety, security, physical and emotional wellbeing of our neighbors affects the lives of everyone in our community; we recognize that domestic violence takes a variety of forms and believe all individuals have the right to live their best and fullest lives free of violence and fear; and
- WHEREAS,** we recognize that 1 in 4 women and 1 in 7 men report experiencing severe violence by an intimate partner in their lifetimes, according to the Centers for Disease Control. Domestic violence is a serious, preventable public health concern involving the manipulation of power and control, including willful intimidation, physical and sexual assault, emotional and financial abuse, and other abusive behaviors; and
- WHEREAS,** anyone can be a victim of intimate partner violence, regardless of gender, age, race, socioeconomic status, ability, or relationship choice. We believe that everyone deserves a life free of violence, regardless of gender identification, ethnicity, ability, age, religion, or social status; and
- WHEREAS,** we recognize that the crime of domestic violence impacts victims, families, and society, and can lead to long-term health problems, missed days of work and loss of employment, psychological distress, family instability and homelessness, and increased risk for future violence; and
- WHEREAS,** ending domestic violence starts with awareness and education, changing social norms about gender and violence, and mobilizing our communities, including men, boys, our faith institutions, the public, and private sectors.

**NOW, THEREFORE,** I, Wendy Jacobs, Chair of the Durham Board of County Commissioners and on behalf of the Durham Board of County Commissioners, do hereby proclaim October 2020 as

#### **“DOMESTIC VIOLENCE AWARENESS MONTH”**

in Durham County. We urge all who engage with youth to teach and model respect, consent, and healthy relationships. We encourage government, health professionals, law enforcement, faith communities, and civic organizations to ensure an inclusive environment that supports survivors of domestic violence and sustains their efforts to rebuild their lives without violence in Durham. We are strongly committed to working with all partners so that every individual can access appropriate and affirming resources to address and end violence in our communities.

This the 28<sup>th</sup> day of September 2020.

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Wendy Jacobs, Chair  
Durham Board of County Commissioners

Kent Wallace-Meggs, Executive Director, Durham Crisis Response Center thanked the Board for recognizing Domestic Violence Awareness Month for the Family Justice Center. He invited the public to attend the October 1, 2020 Virtual Candlelight Vigil and shared an overview of the support services provided for individuals after a crisis.

The Board thanked Mr. Wallace-Meggs and his staff for their commitment to the community and for providing essential services during the COVID-19 pandemic. They also suggested Mr. Wallace-Meggs consider offering the Board a virtual tour of the Family Justice Center.

### **Consent Agenda**

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

The Board requested to comment on the following: 20-0479, 20-0492, 20-0520, 20-0529 and 20-0545.

- Item 20-0479 – Chair Jacobs asked to receive a memo update by email on how services would be delivered to seniors during the COVID-19 pandemic. Janeen Gordon, Assistant Director for Aging and Adult Services stated she would provide the response via email as requested.
- Item 20-0492 – Commissioner Reckhow thanked Dwane Brinson, Tax Administrator for submitting critical 2021 Legislative Goals for North Carolina Association of County Commissioners (NCACCC).
- Item 20-0520 – Commissioner Reckhow recommended to change *Training Program* to *Mediation Program* in the first goal. Deborah Craig-Ray, General Manager stated she would make the correction as noted.
- Item 20-0529 – Chair Jacobs inquired about the availability of the website to track projects the County provided an economic development funds. Andy Miracle, Economic Development Officer, responded the website was scheduled to launch on November 1, 2020 and would be shared with the Board to receive feedback before the official launch.
- Item 20-0545 – Chair Jacobs thanked Claudia Hager, General Manager, Annan Hawksworth, Budget Analyst and Derrick Bowens, Director of Elections for their efforts in assisting the County to receive the grant.

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

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

The motion carried unanimously.

\*20-0479 Budget Ordinance Amendment No. 21BCC000037 to Recognize FY 2020-21 Home and Community Care Block Grant (HCCBG) Funds in the amount of \$2,901, which included the required Durham County DSS Local Match of \$66,609. The local match will be funded with existing budgeted funds.

\*20-0492 Property Tax Releases and Refunds for August 2020.

20-0498 Public Health to Create One Full Time Equivalent (FTE) County Funded Medical/Lab Director Position.

20-0514 Request for Approval of Easement Agreements with Duke Energy Carolina, LLC, (DEC) and Dominion Energy for the new EMS Station #1.

20-0520 2021 Legislative Goals for NCACC.

\*20-0529 Budget Ordinance Amendment No. 21BCC000042 to Recognize \$200,000 from North Carolina Biotechnology Center for a Local Economic Development Award to bluebird bio.

20-0530 Approval of Closed Session Minutes.

\*20-0545 Budget Ordinance Amendment No. 21BCC000043 – Approve Acceptance of a Center for Tech and Civic Life (CTCL) COVID-19 Response Grant totaling \$1,466,840 for Board of Elections Related 2020 Election Costs.

Consent Agenda Item #20-0479

**Durham County, North Carolina  
2020-2021 Budget Ordinance  
Amendment Number 21BCC000037**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2020-2021 budget ordinance is hereby amended to reflect budget adjustments.

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
<u>Expenditure</u>			
Human Resources	\$90,313,894	\$2,610	\$90,316,504
<u>Revenue</u>			
Intergovernmental	\$51,277,159	\$2,610	\$51,279,769

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

Approved September 28, 2020

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Consent Agenda Item #20-0492

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 August 2020.

Releases and Refunds – August 2020

Releases and Refunds for 2020 Taxes

Real Property	\$	0.00
Personal Property	\$	0.00
Motor Vehicle	\$	0.00
Solid Waste	\$	0.00
VTS Refunds	\$	<u>11,846.71</u>
Total	\$	11,846.71

Releases & Refunds for Prior Years  
2014 - 2019

Real Property	\$	865.69
Personal Property	\$	0.00
Solid Waste	\$	<u>0.00</u>
Total	\$	865.69
 Grand Total	\$	 12,712.40

Consent Agenda Item #20-0529

**Durham County, North Carolina  
2020-2021 Budget Ordinance  
Amendment Number 21BCC000042**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2020-2021 budget ordinance is hereby amended to reflect budget adjustments.

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
<u>Expenditure</u>			
Economic and Physical Development	\$7,223,315	\$200,000	\$7,423,315
<u>Revenue</u>			
Intergovernmental	\$53,730,805	\$200,000	\$53,930,805

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

Approved September 28, 2020

**Durham County, North Carolina  
2020-2021 Budget Ordinance  
Amendment Number 21BCC000043**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2020-2021 budget ordinance is hereby amended to reflect budget adjustments.

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
<u>Expenditure</u>			
General Government	\$121,816,896	\$1,466,840	\$123,283,736
<u>Revenue</u>			
Intergovernmental	\$53,930,805	\$1,466,840	\$55,397,645

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

Approved September 28, 2020

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**Public Hearings**

**20-00508 Unified Development Ordinance Text Amendment Development Agreements (TC2000003)**

Scott Whiteman, Planning Supervisor stated the Board was requested to hold a public hearing on the Unified Development Ordinance Text Amendment, Development Agreements (TC2000003).

Mr. Whiteman shared *TC2000003 Development Agreements* which highlighted the following: General Background, Background, Other Cities, Statutory Requirements, Proposed Amendment and Questions.

The Board asked if the Planning Commission votes opposing the ordinance were before meeting with the commission. Mr. Whiteman responded the votes were made before meeting with the commission and before revisions were made to the ordinance. The Board asked if the ordinance was approved by City Council unanimously and when the ordinance could be applied. Sarah Young, City-County Planning Director replied the ordinance was approved unanimously and City Council was clear with staff about when the ordinance could be applied.

The Board stated standards should be set for the ordinance. Wendell Davis, County Manager stated the ordinance could be placed on the November 2, 2020 Work Session agenda to allow staff time to work on the item. The Board responded the first step was to have a discussion with City Council.

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

The Board asked if the guidelines and amendments could be added after the ordinance was approved. Bryan Wardell, Senior Assistant County Attorney replied the Board could approve the ordinance and

develop the guidelines and amendments after the approval. The Board asked if the ordinance was for developers only or any owners of land. Mr. Whiteman responded property owners could establish an agreement before selling land to a developer. The Board requested for staff create proposed guidelines for approval of community benefits to be considered for Development Agreement.

**Directive: The Board requested for staff to create proposed guidelines for approval of community benefits to be considered for Development Agreement.**

**First Motion:**

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

The motion carried unanimously.

**Second Motion:**

Commissioner Reckhow moved, seconded by Commissioner Carter to adopt an ordinance amending the United Development Ordinance, incorporating revisions to amend Article 1, General.

The motion carried unanimously.

**Other Business**

**20-0490 Durham County Public Health Focused Update on the COVID-19 Crisis.**

Rodney Jenkins, Public Health Director thanked the Board and County Management for their support in the COVID response.

Mr. Jenkins provided the following updates for Durham County:

- 7773 total cases
- 30 seven-day moving average
- 35.7 percent were African American; 21.5 percent were Caucasian; 39.7 percent were LatinX
- 27704 zip code held the highest positive cases at 35.5 percent
- 20 percent of cases were under age 18
- Greatest number of cases were among people who worked in hospitals, general medicine or surgical and unemployed.
- 14,521 contacts were made between Durham County and Community Care of North Carolina tracers.

Commissioner Reckhow inquired about locations to get a young child tested for COVID. Mr. Jenkins responded the Holton site was testing individuals of all ages. Chair Jacobs asked about locations to get the flu vaccine and inquired about the COVID-19 Support Program. Mr. Jenkins stated the flu vaccine was readily available at Walmart, Walgreens, CVS, Harris Teeter, Duke and Lincoln Community Health Center. He added the support program was active in Durham and was providing training to workers to assist the community.



## **20-0522 Discussion on the Joint Durham Community Safety and Wellness Task Force**

Vice-Chair Hill explained the amendments to the task force by-laws included changes to the membership, termination and the Community Resource Panel. Commissioner Reckhow recommended a grammatical change to the Article IV Termination paragraph: adding a period after members in the first sentence and adding the word however to the beginning of the second sentence.

Commissioner Carter stated the appointment changes by the County were similar to the City appointments. She asked why the County appointments were changed. Vice-Chair Hill responded Gudrun Parmer, Criminal Resource Center Director emailed to inform him of the incorrect wording of justice involved appointments and Commissioner Reckhow agreed to include the Parent of Murdered Child member.

Commissioner Howerton asked if the Co-Chairs would be appointed by elected officials or by task force members. Vice-Chair Hill replied no discussion had occurred about who would be appointing the Co-Chairs, but he was open to the task force members appointing the Co-Chairs. Commissioner Howerton stated one (1) of the At-Large members should be from the LatinX community. Commissioner Hill responded the Board could consider that during the application selection process.

Vice-Chair Hill moved, seconded by Commissioner Howerton to approve the amendments to the Joint Durham County Safety and Wellness Task Force By-Law changes to the membership, termination and the Community Resource Panel.

The motion carried unanimously.

Commissioner Reckhow recommended the Board discuss the Co-Chair appointments with the City at the October 13, 2020 Joint City-County meeting.

**Directive: Commissioner Reckhow recommended the Board discuss the Co-Chair appointments with the City at the October 13, 2020 Joint City-County meeting.**

### **Durham County Approved Amendments**

At the September 28, 2020 Regular Session meeting the Board of County Commissioners approved the following amendments for the Community Safety and Wellness Task Force:

#### **Durham County Appointments**

The County of Durham shall appoint five (5) members from the following categories:

Parent of a murdered child -1-

Community organization leader -1-

Justice involved -1-

At-large -2-

#### **Community Resource Panel Text Update**

A Community Resource Panel shall be formed to assist the work of the Task Force, with the understanding that the Task Force can add members to the Panel as they see fit.

Durham County Sheriff

Durham Police Chief

Criminal Justice Resource Center Director Durham Public Schools Superintendent Public Health

Director Alliance Behavioral Health Administrator Crisis Response Center or Family Justice Center  
Director Juvenile Prevention Council Administrator EMS Community Paramedicine Director Durham  
District Attorney Durham Department of Social Services

### **Termination VI**

It is anticipated that the Task Force shall complete its mission within twenty-four months of the initial appointment of its members. However, this work is critically important and should be completed with due care and all needed time and attention. In light of that, the Task Force could bring forward short term actions as appropriate. However, if at the end of twenty-four months, the Task Force has not fully completed its work, the Task Force may by two-thirds vote of the membership add six months to its period of work.

### **Board and Commission Appointments**

Lowell Siler, County Attorney announced the voting results.

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.

#### Adult Care Home Community Advisory Committee

**(i)Chiquetta Harris Leathers** (Carter, Hill, Howerton, Jacobs, Reckhow)

#### Alliance Board of Directors

**Carol Council** (Carter, Hill, Howerton, Jacobs, Reckhow)

#### Criminal Justice Advisory Committee

**Pierce Freelon** (Carter, Hill, Howerton, Jacobs, Reckhow)

**Rodney Jenkins** (Carter, Hill, Howerton, Jacobs, Reckhow)

**Michael O’Foghludha** (Carter, Hill, Howerton, Jacobs, Reckhow)

#### Discover Durham Tourism Development Authority

**Jennings Brody** (Carter, Hill, Howerton, Jacobs, Reckhow)

**Barry Van Deman** (Carter, Hill, Howerton, Jacobs, Reckhow)

#### Durham County Hospital Corporation Board of Trustees

**Federico Manon** (Carter, Hill, Howerton, Jacobs, Reckhow)

#### Durham Open Space and Trails Commission

**Xia Meng Howey** (Carter, Hill, Howerton, Jacobs, Reckhow)

#### Environmental Affairs Board

**Melanie Allen** (Carter, Hill, Howerton, Jacobs, Reckhow)

#### Historic Prevention Commission

**Laura Fieselman** (Carter, Hill, Howerton, Jacobs, Reckhow)

#### Memorial Stadium Authority

**(i)Tyrone Wilson** (Carter, Hill, Howerton, Jacobs, Reckhow)

## **Closed Session**

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

- To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged pursuant to G.S. 143-318.11(a)(3).
- To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes G.S. 143-318.11(a)(1).

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

The motion carried unanimously.

## **Reconvene to Open Session**

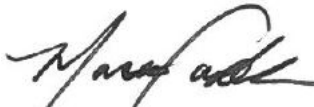
Chair Jacobs announced the Board met in Closed Session and provided direction to staff.

## **Adjournment**

Commissioner Carter moved, seconded by Commissioner Reckhow to adjourn the Regular Session meeting at 9:33 p.m.

The motion carried unanimously.

Respectfully Submitted,



Macio Carlton  
Deputy Clerk to the Board