

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

Monday, January 25, 2021

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 Brenda Howerton, Vice-Chair Wendy Jacobs and Commissioners Nida Allam, Nimasheena Burns and Heidi Carter

Presider: Chair Brenda Howerton

**Opening of Regular Session - Pledge of Allegiance**

**Agenda Adjustments**

Chair Howerton announced that there were no agenda adjustments.

**Announcements**

Chair Howerton announced a moment of silence for deaths in the community due to COVID-19.

Monica Toomer, Clerk to the Board read the following announcements:

1. **COVID-19 Vaccination Remote Site** –Southern High School located at 800 Clayton Road has been designated as a vaccination access site. Citizens are reminded that vaccines at this remote site are **by appointment only** through the Durham County Public Health appointment line.

Citizens are encouraged to call 919-560-4357 between 8:30am – 4:30pm, Monday – Friday to be scheduled. You may also visit [www.dcopublichealth.org/covid19vaccines](http://www.dcopublichealth.org/covid19vaccines) to be scheduled and for additional information.

2. **The Durham Community Resource Fair** – Jobseekers interested in connecting with amazing resources in our community are invited to attend this FREE virtual event on Tuesday, January 26<sup>th</sup> from 11:00am – 1:00pm.

Registration is required by accessing <https://portal.premiervirtual.com/event/register-jobseeker/3832-durham-community-resource-fair>

3. **DPS Family Food Distribution** – In partnership with Durham County Library and Inter-Faith Food Shuttle, PORCH-Durham will distribute pre-boxed non-perishable foods and fresh produce on Saturday, January 30<sup>th</sup> from 10am – 12pm at the Durham County Main Branch Parking Lot.

4. **Welcome Baby Diaper Distribution** – Welcome Baby is distributing FREE diapers, wipes and toiletries to families on a weekly basis every Friday. Drive-thru pick-up is available at the Welcome Baby/Cooperative Extension location at 721 Foster St from 9am – 1pm.

No appointment is necessary. For additional information, please call 919-560-7150 or visit [www.facebook.com/welcomebabydurham](http://www.facebook.com/welcomebabydurham)

5. **Durham County Tax Introduces Live-Chat Communication** – The Tax Office has introduced a new live-chat communication feature for obtaining property tax information.

Citizens are able to “chat” online with a member of the tax office by visiting [www.dconc.gov/tax](http://www.dconc.gov/tax)

6. **Your Feedback is Needed** – The City-County Planning Department is ready to present the initial results of input through its draft community objectives.

Please visit [www.durham.mysocialpinpoint.com/comprehensiveplan](http://www.durham.mysocialpinpoint.com/comprehensiveplan) now through February 19th to share your feedback on the draft community objectives. For additional information about the new Comprehensive Plan process, please contact City-County Planning Department Senior Planner Lisa Miller at 919-560-4137 ext 28270.

7. **Innovate Durham 2021** – A partnership between the City of Durham, Durham County and Durham Public Schools that allows entrepreneurs to use local government as a laboratory to test products and ideas is now accepting applications until February 15, 2021.

Please apply online by visiting [www.tinyurl.com/InnovateDurham2021Application](http://www.tinyurl.com/InnovateDurham2021Application)

8. **Need Help Paying your Heating Bill?** – Beginning January 2<sup>nd</sup> – March 31, 2021 the Low-Income Energy Assistance Program (LIEAP) will open to all Durham County residents.

Residents are asked to visit [www.epass.nc.gov](http://www.epass.nc.gov) to view eligible criteria and apply for the program.

9. **Durham Pre-K Family Info Session** – Residents interested in applying for Durham Pre-K should complete the interest form for the Family Info Session on February 6, 2021. Families will find out program information, application steps and much more.

## Minutes

Commissioner Burns moved, seconded by Commissioner Allam to approve the January 11, 2021 Regular Session minutes.

The motion carried unanimously.

## Ceremonial Items

### **21-0030 Introduction of EMS Chief Paramedic Mark Lockhart**

Chair Howerton gave a brief overview of Chief Paramedic Lockhart’s work experience and previous locations. Jim Groves, Office of Emergency Services Director stated Chief paramedic Lockhart started his duties with Durham County on November 30, 2020 and was responsible for leading and managing

the daily operations of the Durham County Emergency Medical Services Systems. Chief Paramedic Lockhart explained his employment history and qualifications to the Board. The Board welcomed Chief Paramedic Lockhart and thanked him for joining Durham County.

## **Consent Agenda**

Chair Howerton asked the Board if they requested to pull or comment on any items on the Consent Agenda. Hearing no comments, Chair Howerton entertained a motion for approval.

Commissioner Allam moved, seconded by Commissioner Burns to approve the following items on the Consent Agenda.

The motion carried unanimously.

21-0005 Board Approval on the Landscape Manual for Durham Revisions

21-0022 Board Approval – To Consider Allocating Economic Development Funds to Taysha Gene Therapies

21-0036 Request to Appoint a Special Board of Equalization and Review for 2021

21-0037 Extension of the 2021 Listing Period for Business Personal Property

21-0040 Additional Funding for HOPE Learning Centers

\*21-0048 Property Tax Releases and Refunds for December 2020

21-0068 Juvenile Crime Prevention Council Appointment

\*21-0071 Budget Amendment Ordinance No. 21BCC000074 Appropriating \$950,000 General Fund Fund Balance to Support Funding \$15 Per Hour Wage Expenses for DPS Classified Employees from July 1, 2020 Through December 31, 2020

Consent Agenda Item #21-0048

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 December 2020.

Releases and Refunds – December 2020

Releases and Refunds for 2020 Taxes

|                    |                     |
|--------------------|---------------------|
| Real Property      | \$ 326,242.45       |
| Personal Property  | \$ 247,266.35       |
| Motor Vehicle      | \$ 0.00             |
| Solid Waste        | \$ 687.12           |
| Stormwater Utility | \$ 168.00           |
| VTS Refunds        | \$ <u>12,810.92</u> |
| Total              | \$ 587,174.84       |

Releases & Refunds for Prior Years

2015 - 2019

|                   |                |
|-------------------|----------------|
| Real Property     | \$ 422,304.20  |
| Personal Property | \$ 4,519.30    |
| Solid Waste       | \$ <u>0.00</u> |
| Total             | \$ 426,823.50  |

Grand Total \$1,013,998.34

Consent Agenda Item #21-0071

**Durham County, North Carolina  
2020-2021 Budget Ordinance  
Amendment Number 21BCC000074**

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

| <u>Fund Name</u>    | <u>Current Budget</u> | <u>Increase/Decrease</u> | <u>Revised Budget</u> |
|---------------------|-----------------------|--------------------------|-----------------------|
| <u>GENERAL FUND</u> |                       |                          |                       |
| <u>Expenditure</u>  |                       |                          |                       |
| Education           | \$168,370,676         | \$950,000                | \$169,320,676         |
| Human Services      | \$ 37,973,435         | \$950,000                | \$ 38,923,435         |

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

Approved January 25, 2021

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## **Other Business**

### **21-0057 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:

- 17,878 total cases
- 172 seven-day moving average
- 38.3 percent were African American; 27.3 percent were Caucasian; 18.2 percent were Latinx
- 1400 people had scheduled vaccine appointments online
- The vaccine call center infrastructure was overwhelmed with the number of calls
- Optum Serv was gearing up to become a Vaccine Provider in Durham
- The State and Fidelity were working together to setup a mega site in Durham

The Board thanked Mr. Jenkins for addressing resident concerns and questions. The Board inquired about the new string of the COVID-19 virus and the recommended quality of mask. Mr. Jenkins responded the vaccine covered the all strings of the virus and he expected to receive more guidance for mask from the State. The Board thanked Mr. Jenkins for his strong leadership and his relationship with staff. County Manager Wendell Davis thanked community and corporate partners for providing assistance to the County with COVID-19.

## **Public Hearings**

### **21-0043 Unified Development Ordinance Text Amendment, Amendments due to NCGS Chapter 160D (TC200004)**

Michael Stock, Senior Planner stated the Board was requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Amendments due to NCGS Chapter 160D (TC00004). Text Amendment TC200004 proposed revisions to various provisions of the United Development Ordinance (UDO) in order to comply with statutory revisions associated with the new state enabling legislation NCGS Chapter 160D.

The Board inquired about vested rights. Mr. Stock responded the vested rights expanded the ability to vest by administrative determination of permit choice and a site specific vesting plan. The Board asked about the two (2) to five (5) years limitation on vesting rights. Mr. Stock replied the years of limitation on vesting rights did not change.

Chair Howerton opened the public hearing and stated the public hearing would be open for 24 hours for receipt of comments.

### **21-0045 Zoning Map Change – Terry Road De-Annexation**

Grace Smith, Assistant Planning Director stated the Board was requested to conduct a public hearing and receive public comments on the zoning map change for Terry Road De-Annexation (Z2000026A). Ms. Smith shared the *Terry Road De-Annexation Zoning Map Change* which highlighted the following: Case Summary, Overview, Aerial Map, Zoning Context and Future Land Use Maps.

Chair Howerton opened the public hearing.

Patrick Byker, Partner at Morning Star Law Group

Mr. Byker stated he was representing Highland Park Properties, property owners. He added rural residential was the lowest density Zoning District in Durham City-County Unified Development Ordinance and requested the support of the Board for the approval of the zoning map change.

Steven Leyoidt, Citizen

Mr. Levoydt stated a dirt road on the property was deteriorating and he was ready for improvements.

The Board stated the item was historic since zoning changes usually do not come to the BOCC for approval. The Board stated they encouraged the applicant to pursue use of the conservation subdivision ordinance as discussed in the memo.

Chair Howerton stated the public hearing would be open for 24 hours for receipt of comments.

**21-0056 Fiscal Year 2020-21 Financial Update**

County Manager Wendell Davis made the following statement:

*Late Friday, I was made aware of a petition that was occurring related to the \$15/hr. The petition stated there was a desire not to use unrestricted fund balance to support the \$15/hr. This was never my position. I stated that I wanted to make sure we did our analysis to ensure we were positioned properly to allocated significant funds. These are standard business practices that has served the County well for many years. Staff finished that work on Friday and will continue to work on vetting expenditures. We will have additional policy discussions about the fiscal outlook as standard with the upcoming budget retreat.*

*I think it's important to remind the Board of the process required to do our work. In April 2020, I communicated to the Board of County Commissioners several steps that would be taken to manage the budget in light of the fiscal unknowns with COVID-19. During that time, we also were faced with a malware attack recovery. I attached the initial communication related to this to help remind some and inform our newest Board members on the way we needed to proceed.*

*I shared with the Board that we would freeze positions, limit expenditure growth and limit tax increases because unknowns with how our residents would be impacted by economic challenges such as unemployment. County staff have maintained fiscal discipline to help ensure we stay within the parameters, despite pressures to move differently. Many have taken on more work because positions were frozen. Most of this happening in many of our key departments that were administrative in nature. I am forever grateful for the personal sacrifice to help keep the county solvent, in spite many having to work through continued nights and weekends to ensure work was complete due to vacancies.*

*Last week during rating agency reviews, we were able to share how the county had been able to manage operations in spite of the pandemic and to manage to our fiscal policies, which includes a certain level of reserves. The approach of judicious management and evaluation of fiscal operations mid-year was received with positive responses. Although, we have not received the final rating.*

*As Manager, in spite of the public perspective, I must manage to our fiscal guidelines and policies. These guard rails shield's the organization. Staff's brief report shows that we are in a good financial position at this point and can support the request to fund the remaining dollars for classified workers to support the \$15/hour and the dollars to support. The fiscal analysis will show we are in a good financial position. However, it states we will come back in subsequent meetings to vet the information further. Its standard this review in done in late February during the budget process. County departments will continue to seek was to improve operational efficiencies to promote cost savings when applicable. Further, operational assessments will occur in upcoming months to clarify where streamlined operations are needed or other improvements. As manager, we remain vigilant with ensuring we are the best stewards of taxpayer dollars.*

Claudia Hager, General Manager shared the *Durham County Government Fiscal Update* which highlighted the following: Fiscal Management Framework, Draft Mid-Year Revenue Highlights, Draft Mid-Year Expenditure Highlights and Next Steps.

Commissioner Allam highlighted the approval of the \$15 an hour for Durham Public School (DPS) Classified Workers. Commissioner Burns thanked the Board for being leaders and achieving the goal within 60 days. Vice-Chair Jacobs stated the approval was historic and the best way to make a difference. She also highlighted the approval of funding for the Hope Learning Centers. Commissioner Carter stated she had gratitude for colleges coming together, staff and the community. She added thankful DPS Classified Workers would come closer to earning a livable wage.

Chair Howerton made the following statement:

*Our Manager has overseen County operations in a way that is physically prudent during this unprecedented crisis. I applaud staff for judicious physical management and withstanding unwarranted public criticism while they carried on with the change of protecting overall operations. We gave staff amply time to do research and they came back to us with information that allowed us to make the best decision. Each Board was and is in support for the \$15 an hour for DPS Classified Staff. It's called doing the right thing and we did the right thing. As we become more entered intentional in focus to contend with the culture and climate of our Board, it is important that we are mind full that the narratives we share and stories we circulate to the public are factual. We know now more than ever there are real consequences when people we serve are accountable to believe alternative facts instead of truth. We saw this month on January 6<sup>th</sup> in Washington D.C what happens when alternative facts and narratives are put out to the public. Accountability is required that we tell the truth. I am looking forward to the chance to develop a new Board through training opportunities and discussions about our personal and collective commitments and actions to addressing systemic racism in the community.*

The Board asked if Public Health employees were receiving hazard pay for assisting with the vaccine shots. County Manager Davis responded employees were asking about hazardous pay and stated the high risk jobs should receive hazardous pay. The Board asked if hazardous pay would be included in Federal reimbursement of funded from savings. County Manager Davis responded hazardous pay could be included in the Federal reimbursement and could funded with savings. The Board asked for staff to provide a presentation on the cost of providing hazardous pay for Frontline employees and Public Health

employees assisting with the testing and vaccinations. Ms. Hager responded hazardous pay was a high priority the Board would be provided with a presentation of possibilities.

The Board asked how much the County had spent on hazardous pay and overtime pay, the process with reimbursement and policies for other government entities. Ms. Hager responded she shared how much the County had spent on hazardous and overtime pay at a previous meeting and the expenses would occur in departmental budgets. She added the funds would be reimbursed and the cash flow would need addressing. Ms. Hager stated staff would reach out to other government entities to receive information on policies for hazardous pay and overtime pay. The Board inquired about the \$4.3 million set aside at the beginning of the pandemic. Ms. Hager replied she would include the information about the \$4.3 million in the presentation.

**Directive: The Board requested for staff to provide a presentation on the cost of providing hazardous pay for Frontline workers and Public Health employees assisting with the testing and vaccinations and policies for other government entities on hazard pay and overtime pay; and information about other governments who had submitted to FEMA reimbursement for hazardous pay and the results.**

## **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.

### Audit Oversight Committee

**Andrew Holland** (Allam, Carter, Jacobs)

Antoinette Dave (Burns, Howerton)

### Bicycle and Pedestrian Advisory Commission

**Michael Shepard** (Allam, Carter, Howerton, Jacobs)

Rush Childs (Burns)

### Boxing And Wrestling Commission

**(i) Italo Medelius** (Allam, Burns, Carter, Howerton, Jacobs)

### Durham Community Safety and Wellness Task Force

**Jatoia Potts** (Allam, Burns, Carter, Howerton, Jacobs)

**Mangala Rajendran** (Allam, Burns, Carter, Howerton, Jacobs)

### GoTriangle Transit Advisory Committee

**Alexander Castro, Jr.** (Allam, Burns, Carter, Howerton, Jacobs)

**(i) Edward Harrison** (Allam, Burns, Carter, Howerton, Jacobs)

**(i) James Svava** (Allam, Burns, Carter, Howerton, Jacobs)

## **Closed Session**

Chair Howerton 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 pursuant to G.S. 143-318.11(a)(4).
- 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 to G.S. 143-3318.11(a)(3).

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

The motion carried unanimously.

### **Reconvene to Open Session**


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

### **Recess**

Commissioner Allam moved, seconded by Commissioner Burns to recess the Regular Session meeting at 10:36 p.m.

The motion carried unanimously.

Respectfully Submitted,



Macio Carlton  
Deputy Clerk to the Board