

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

Thursday, September 9, 2021

10:30 A.M. Virtual Work Session

MINUTES

Place: Commissioners' Chambers, second floor, Durham County Government
Administrative Complex, 200 E. Main Street, Durham, NC

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

Presiders: Chair Brenda Howerton

Citizen Comments

Monica Toomer, Clerk to the Board, read the following Citizen Comments submitted via email:

Lorisa Seibel

"I would like the County Commissioners to do all in their power to stop evictions. Evictions are happening now at the courthouse and people will be put out on the streets by next week. The people need time to get rent assistance, which is not coming quickly enough to prevent evictions. Please do what you can to save people's lives and homes."

Consent Agenda

The Board was requested to review the following Consent Agenda items for the June Regular Sessions.

21-0530 Emergency & Scheduled Repairs for TWWTP Contract Amendment with Carolina Civilworks, Inc.

Jay Gibson PE, General Manager informed the Board that the revenue streams and reserves were examined throughout the year. He added the contract had adequate funds to cover the increase, so fees would not change.

21-0537 Approve Fiscal Year 2021-2022 Contract with Greater Durham Black Chamber of Commerce for Services Related to Small Business Support

Claudia Hager, Interim County Manager, stated the contract was a starting point in partnership with the City of Durham related to projects with ARPA funds. She added by January 2022, detailed information would be provided.

21-0540 Application for Funding for Chin Page Road Pump Station for Utilities Division

Jay Gibson PE, General Manager, clarified the utilities division occasionally used CIP funding, but for the most part, operate using their own funds. He added the County would not be obligated to contribute funding to this project.

21-0547 Alliance Health Services Carry-Over Funds from FY 2020-21 into FY 2021-22

Claudia Hager, Interim County Manager, informed the Board that a structure was put into place to analyze the budget and a report would be shared to show how many residents were able to utilize the additional funding. Jodi Miller, General Manager, added a collaborative effort would be needed with the City of Durham to help vulnerable communities dealing with behavioral health.

21-0554 Approve Proposed Interlocal Agreement and Joint Use Agreement for the New Station 18 Co-located Public Safety Facility Located at Herndon Road, Durham, NC and Approve Capital Project Amendment No.22CPA00007 to Appropriate FY 2021-22 Approved County Contribution (PAYGO) Funds (\$2,468,366) to Create the New Station 18 Project (4330DC002)

Jodi Miller, General Manager provided the Board with insight on the ILA which was included in the current CIP and followed the original station 17 model. She added the project was an efficient approach to provide the public critical safety infrastructure.

Directive:

- **Board of County Commissioners to review documents to approve at the September 13, 2021 Regular Session.**

There were no questions regarding the items below:

21-0522 Request to Extend the Building Bridges Between Jails and Community-Based Treatment for Opioid Use Disorder Demonstration Project Grant and Approval of Budget Amendment No 22BCC00016 Recognizing \$17,000 in Grant Funding for the Durham County Sheriff's Office

21-0524 Budget Ordinance Amendment No 22BCC00017 to recognize \$14,000 in Grant Revenue from the Burt's Bees Foundation to support an updated biological inventory for the New Hope Creek corridor.

21-0526 Approve the Final Budget for Phase II of the McFarland Farm Conservation Easement and Approve Capital Project Amendment No.22CPA000006 Decreasing the Open Space & Farmland Preservation Capital Project (4730DC083) by \$72,160 and Budget Amendment No. 22BCC000015 transferring \$72,160 from the Pay-As-You-Go Capital Project Fund to the General Fund to Support the Purchase of the McFarland Farm Conservation Easement

21-0533 Utilities Contract Amendment with David Young Utilities, Inc, for Collection System Emergency & Scheduled Repairs

21-0534 Utilities Contract Amendment with Axis Utility, Inc. for Collection System Emergency & Scheduled Repairs

21-0536 Contract Amendment and Budget Amendment No. 22BCC000019 Establishing and Adding Funds (\$60,000) for the FY21-22 Durham Pre-K Contract with Child Care Services Association

21-0539 Utilities Contract Amendment with Carolina Civilworks, Inc. for Emergency & Scheduled Repairs

21-0542 Utilities Contract Amendment with National Power

21-0543 Approval of Contract with Hagerty Consulting for Complex Coordinated Terrorist Attack (CCTA) Training

21-0550 BOCC Approval of Budget Ordinance Amendment No.22BCC00018 recognizing \$318,750 of FY 2021-22 Governor's Highway Safety Program (GHSP) Grant Funding

Discussion Items

21-0561 Approval of the Zoning Map Change, Old Bahama Fire Station (Z2000046)

The Board was requested to close the public hearing, which was considered at the August 23rd Regular Session, suspend the rules and entertain a motion on the Zoning Map Change, Old Bahama Fire Station (Z2000046); and adopt an ordinance amending the Unified Development Ordinance by taking property out of Commercial Neighborhood (CN) and Residential Suburban-20 (RS-20); M/LR-A Watershed Overlay zoning districts and establishing the same as the Commercial Neighborhood (CN) with a text-only development plan (CN(D)); M/LR-A Watershed Overlay; and adopt the appropriate Statement of Consistency pursuant to NCGS §160D-605.

Brian Eaton of the Bahama Volunteer Fire Rescue Company, Inc. proposed to change the zoning designation of two parcels of land totaling 0.76 acres and located at 1426 Bahama Road. The zoning was Commercial Neighborhood (CN) and Residential Suburban-20 (RS-20). The applicant proposed to change this designation for both parcels to Commercial Neighborhood with a text-only development plan (CN(D)). The proposed use limitations would prohibit any bar, nightclub, or other use that serves alcohol for on-site consumption. No change was proposed for the Lake Michie/Little River District A (M/LR-A) watershed overlay. The parcel zoned CN was designated Commercial and the other, zoned RS-20, was designated as Very Low Density Residential on the Future Land Use Map (FLUM) of the Comprehensive Plan. The proposed CN(D) zoning was inconsistent with the parcel designated as Very Low Density Residential. Staff also recommended a change to the FLUM to designate that parcel as Commercial.

With no one signed up to speak, Chair Howerton closed the public hearing.

Suspension of the Rules

Commissioner Allam moved, seconded by Commissioner Carter, to suspend the rules.

The motion carried unanimously.

First Motion:

Commissioner Burns moved, seconded by Vice-Chair Jacobs, to adopt an ordinance amending the Unified Development Ordinance by taking property out of Commercial Neighborhood (CN) and Residential Suburban-20 (RS-20);

M/LR-A Watershed Overlay zoning districts and establishing the same as the Commercial Neighborhood (CN) with a text-only development plan (CN(D)); M/LR-A Watershed Overlay.

The motion carried unanimously.

Second Motion:

Commissioner Burns moved, seconded by Vice-Chair Jacobs, to adopt the appropriate Statement of Consistency pursuant to NCGS §160D-605.

The motion carried unanimously.

21-0521 Community Cat Management Presentation

The Board was requested to review and receive the information and research on Community Cat Management strategies provided by the Animal Welfare Advisory Committee (AWAC). After the presentation and discussion, the AWAC requested the BOCC ask the County Attorney to research possible options for a proposed ordinance change related to this issue.

Jan Paul, AWAC, shared a presentation which highlighted the following approaches to manage feral cats: *Trap and euthanize, remove and/or relocate and to Trap, Neuter, Vaccinate and Return (TVNR)*.

She informed the Board on two (2) TNVR subcommittees and what they covered. Subcommittee one (1) covered the impact of all wildlife affected by feral cats; Subcommittee two (2) would allow changes to the Durham Animal Ordinance – which would allow the legal practices of TNVR. She stated the goal of TNVR was to stabilize, reduce and rehome feral cats.

She added the CDC and State Division of Public Health had no official position statement on feral cats but recommended all cats be vaccinated against rabies.

Shafonda Allen, Executive Director of APS of Durham, answered questions pertaining to euthanizing feral animals. She stated under TNVR, euthanization would not disappear but the number would decrease.

Directive:

- **Board of County Commissioners directed staff to review ordinance changes.**

21-0538 2050 Metropolitan Transportation Plan

The Board was requested to receive a presentation from the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) on the development of the 2050 Metropolitan Transportation Plan (MTP) and provide comments.

Andy Henry, Transportation Planner, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization provided the Board with an update of upcoming changes to the Metropolitan Transportation Plan, which included: *Results from the goals survey, demographics and Alternative Analysis - different land use and transportation possibilities.*

Mr. Henry stated the 2050 Metropolitan Transportation Plan and Air Quality Conformity would be adopted in January 2022 and Due Data for 2050 MTP would be adopted February 21, 2022 ensuring transportation sector ignitions were under certain thresholds.

He added DCHC MPO created three (3) scenarios pertaining to land use and transportation:

- Plans & Trends Scenario - Distributes 2050 population and employment based on land use plans and policies
- Shared Leadership Scenario - Increases the intensity and mix of land use at major employment hubs and travel corridors
- All Together Scenario - Increases the intensity and mix of land use at major employment hubs and travel corridors, and works to link minority, low-income and zero-car households to jobs

The Board inquired about making individuals who are dependent on public transportation, individuals who rely on sideways as their transportation, as well as individuals in rural areas to be considered as high priority in changes of the Metropolitan Transportation Plan.

The Board expressed excitement on the potential partnering with major corporations located in rural areas to assist with providing public transportation for residents living outside of the City limits.

21-0518 Board of Elections Programming Assessment Update

The Board was requested to receive an update from the project team on the programming assessment for the Durham County Board of Elections. The BOCC requested staff perform an assessment and feasibility study at the May 24, 2021 Regular Session meeting. After consultation with County Engineering a programming assessment was deemed as the appropriate path forward to perform a comprehensive evaluation of Board of Elections Space Needs in preparation for the upcoming CIP discussions.

Charles Nickelson, AIA, Principal/RND Architects, provided a brief overview of the study which highlighted the project goals: *Improve BOE Facilities, Address inefficiency of split operations across multiple facilities, Reduce BOE reliance on temporary facilities, Address security concerns/create a safe and secure work environment and to consider future regulatory and demographic impacts.*

Mr. Nickelson stated the findings from the study provided the Board of Elections with three (3) options on retaining a new facility:

- Building a new facility estimated to cost \$30,960,000 with expected completion by January 2025
- Using a new leased facility estimated to cost \$21,100,000 and completed by August 2023
- Phased Approach - broken into two (2) phases estimated to cost \$19,610,000 and full completion by July 2024

Claudia Hager, Interim County Manager, answered questions pertaining to the cost of construction and when funds would need to be allocated. She stated as the overall CIP was being developed, in depth conversations would be held.

The Board questioned who would provide funding for improving the Board of Elections. Derrick Bowens, Director of Elections, stated the BOE would not receive state funding for the site project, but would receive private grants and any additional funds the Board could provide.

21-0546 American Rescue Plan Act Update

The Board was requested to receive an update on the American Rescue Plan Act funds. The American Rescue Plan would deliver \$350 billion for state, local, territorial, and Tribal governments in response to the COVID-19 emergency. Funding would also focus on infrastructure issues that face communities including efforts to bring back jobs. Durham County would receive \$62,445,275.

Jodi Miller, General Manager, provided a brief overview of the guiding principles of ARPA Fund Usage:

- Aligned with County's strategic and capital plans
- Leverage ARPA fund to optimize overall allocation
- Prioritize funding addressing equity
- Evaluate infrastructure to address increased workload
- Establish Framework for community discussions and input
- County expenses reimbursable through FEMA should be limited on ARPA dollars
- Identify sustainability strategy for initiatives requiring funding beyond one year
- Establish rubric to evaluate and rank projects to ensure optimal use of funds were achieved

Deborah Craig-Ray, General Manager updated the Board on the timeline for engagement, review and funding. She stated Phase One (1) focused on community engagement and Phase Two (2) focused on Durham County Staff engaging with the unincorporated community to evaluate their needs.

Jodi Miller, General Manager added a draft rubric was created to evaluate and prioritize the core services identified in resident engagements from Phase One (1) and a follow up discussion on the ARPA rubric would be held at the September 27th Regular Session.

The Board asked questions pertaining to how community members would submit proposals and inquired about the deadline. Claudia Hager, Interim County Manager responded the County would evaluate the proposals sent into the City engagement portal and a deadline was not yet established.

There was additional Board discussion on providing feedback related to the rubric to staff and continuing to make the guidelines and principals clear for the community.

21-0529 Dangerous Dog Appeal Board Appointment

The Board was requested to suspend the rules and vote to approve an additional three (3) year term for the Dangerous Dog Appeal Board to Motiryo Keambiroiro. Motiryo Keambiroiro had served on the Dangerous Dog Appeal Board since July 23, 2012 and her third and final term was completed on July 31, 2021. She was a valuable asset to serving on this particular board due to having extensive knowledge on animal control and dangerous dogs.

Suspension of the Rules

Commissioner Carter moved to suspend the rules, seconded by Commissioner Allam

The motion carried unanimously.

Motion:

Commissioner Carter moved, seconded by Commissioner Allam to vote to approve an additional three (3) year term to Motiryo Keambiroiro.

The motion carried unanimously.

21-0337 Review of Commissioner Directives

The Board was requested to review staff follow-up regarding previously issued directives.

Board directives from previous meetings and staff follow-up were reviewed at Work Sessions. Staff strived to submit all directives into the system as accurately as possible soon after they were issued and to follow-up with the Board and/or with other relevant parties in an appropriate time frame.

21-0362 Commissioner Comments

The Board was requested to allow each Commissioner three minutes to report on conferences or make comments regarding issues that may be of interest or concern to the Board.

Vice-Chair Jacobs questioned if the legal staff received sufficient information needed to proceed with the TNVR ordinance. Chair Howerton responded the Acting Attorney Darby would follow up if additional information was needed.

Adjournment

Vice-Chair Jacobs moved, seconded by Commissioner Burns, to adjourn the meeting.

The motion carried unanimously.

The meeting was adjourned at 2:09 p.m.

Respectfully submitted,



Shaunecie Wardrick
Administrative Assistant