

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

Monday, September 27, 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**

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

1. **Emergency Rental Assistance Program Deadline** – The Durham ERAP will pause the application intake process beginning October 4, 2021. As of September 18<sup>th</sup>, the program has 3,000 applications pending with only \$953,000 remaining in the Emergency Rental Assistance Fund – which is combined City/County funding.

To learn more about the pending hiatus and qualifications to receive ERA funding, please visit [www.durhamerap.dconc.gov](http://www.durhamerap.dconc.gov)

2. **Early Voting Continues** – Durham County voters have until October 2<sup>nd</sup> to cast an early ballot for the 2021 Municipal Primary. To learn more about candidates running for office – including the Mayor; voting details or general information, please visit [www.dcovotes.com](http://www.dcovotes.com)
3. **FREE Virtual Job Fair: Seeking Employers** – The Durham Workforce Development Board and Durham County Library have partnered to offer a FREE, virtual hiring event. Local employers and job seekers, mark your calendars for Wednesday, October 13<sup>th</sup> from 3pm – 6pm.

Please register by visiting [www.bit.ly/employerexporegistration.com](http://www.bit.ly/employerexporegistration.com)

4. **Durham's Minority Enterprise Development (MED) Week** – Durham's MED Week is being recognized virtually beginning October 4<sup>th</sup> – 8<sup>th</sup>. This year we will celebrate the achievements of

minority entrepreneurs and affirms government, business and community organizations' commitments to the principle of equal opportunity.

To learn more about this year's events, please visit [www.https:2021medweek.eventbrite.com](https://www.https:2021medweek.eventbrite.com)

Commissioners shared the following additional announcements:

- The Durham County Open Space Matching Grant Program were accepting applications for the 2021-22 cycle and applications were due by Wednesday, November 17<sup>th</sup> at 5:00 p.m.
- The Low-Income Homeowners Relief Program has launched and would serve Durham homeowners who owned their homes for 10 years or more and had not received any state tax subsidies.
- The Durham Workforce Development was holding a Young Adult Career Expo on October 13<sup>th</sup> from 3-6 p.m.
- Fidelity Investments was hiring 1500 entry-level jobs by the end of 2021.

## Minutes

Vice-Chair Jacobs moved, seconded by Commissioner Allam to approve the August 2, 2021 Work Session and August 23, 2021 Regular Session minutes.

The motion carried unanimously.

## Ceremonial Items

### **21-0572 Proclamation – Recognizing Minority Enterprise Development October 4-8, 2021**

Commissioner Burns read the following proclamation:

#### **MINORITY ENTERPRISE DEVELOPMENT WEEK | 2021**

**WHEREAS,** it is the policy of the County of Durham that purchasing by the County and contracts with the County be open to all people and be free of discrimination on the basis of race and gender; and

**WHEREAS,** the Durham County Minority and Women Enterprise Ordinance Section 8-132 provides minorities and women equal opportunity to participate in all aspects of the County's contracting program, including, but not limited to, employment, construction projects, and/or materials and service contracts, consistent with law; and

**WHEREAS,** G.S. 143-128, provides for Good Faith Efforts to be made in an effort to ensure fair participation of minority and women business owners in all County projects; and

**WHEREAS,** it is further the policy of the County to conduct its contracting programs so as to prevent such discrimination, correct present discrimination and to resolve claims of such discrimination; and

**WHEREAS,** the County of Durham is a sponsor of the Minority Enterprise Development Week.

**NOW, THEREFORE, BE IT RESOLVED** I, Brenda Howerton, Chair of the Durham Board of County Commissioners and on behalf of the Durham Board of County Commissioners, do hereby proclaim October 4 – 8, 2021 as

**“MINORITY ENTERPRISE DEVELOPMENT WEEK”**

in Durham County.

This 27<sup>th</sup> day of September 2021.

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Brenda Howerton, Chair  
Durham Board of County Commissioners

Angela Perry, Procurement Manager thanked the Board for the proclamation and announced that Keisha Davis, MWBE Coordinator received the Diversity Advocate of the Year Award. Ms. Davis stated the Durham Minority Enterprise Development Week was October 4<sup>th</sup> - 8<sup>th</sup> and the theme was “Thriving Through Advertiser.” She shared a brief overview of the free virtual events and stated residents could sign up at [www.eventbrite.com](http://www.eventbrite.com).

The Board congratulated Ms. Davis on the award and for developing a virtual Minority Enterprise Development Week.

**21-0592 Proclamation – Fox Family Foundation 30<sup>th</sup> Anniversary Week**

Commissioner Carter read the following proclamation:

**FOX FAMILY FOUNDATION 30<sup>TH</sup> ANNIVERSARY WEEK | 2021**

**WHEREAS,** Fox Family Foundation was created in September 1991 by Dr. Frances Hill Fox and is celebrating 30 years of generous philanthropy; and

**WHEREAS,** Dr. Fox was joined on the original board of the Foundation by her children and other community leaders devoted to improving the quality of life in Durham County and the surrounding area; and

**WHEREAS,** Since its inception, Fox Family Foundation has contributed to the work of 73 Durham County-based nonprofit programs and organizations across arts, community services, education, and health through grant awards totaling almost \$7.4 million; and

**WHEREAS,** Fox Family Foundation is dedicated to listening for and responding to shifts in the community, organizational priorities, and new opportunities; and

**WHEREAS,** Fox Family Foundation’s commitment to practical, carefully-targeted philanthropy endures through its mission to support and engage with partners in making a positive difference in our community and its continuing vision for a greater Durham area where all people’s lives are enriched and improved.

**NOW, THEREFORE, BE IT RESOLVED** I, Brenda Howerton, Chair of the Durham Board of County Commissioners and on behalf of the Durham Board of County Commissioners, do hereby proclaim the week of September 27, 2021 as

**“FOX FAMILY FOUNDATION 30<sup>TH</sup> ANNUVERSARY WEEK”**

in Durham County, North Carolina and commend its observance to all citizens in recognition of the positive impact of Fox Family Foundation on our community.

This 27<sup>th</sup> day of September 2021.

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Brenda Howerton, Chair  
Durham Board of County Commissioners

David Beischer, President of the Fox Family Foundation thanked the Board for the proclamation and supporting the foundation. He added the foundation supported Durham County’s diverse non-profits to improve the quality of the life in the community.

The Board thanked Mr. Beischer and the foundation for their continued community support.

**21-0600 Proclamation – National Community Planning Month**

Vice-Chair Jacobs read the following proclamation:

**NATIONAL COMMUNITY PLANNING MONTH | 2021**

- WHEREAS,** change is constant and affects all cities, towns, suburbs, counties, urban and rural areas; and
- WHEREAS,** community planning and plans can help manage this change in a way that creates opportunities for residents to build relationships with each other and provides better access for residents to the resources we all need to thrive; and
- WHEREAS,** it is important to involve all Durham residents in making choices that determine the future quality of life in Durham, and it is paramount to ensure that equitable engagement uplifts those whose voices have not been heard due to structural and systemic racism in community planning; and
- WHEREAS,** the full benefits of planning requires public officials and residents who understand, support, and demand excellence in planning and plan implementation; and
- WHEREAS,** the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and
- WHEREAS,** the American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions planning makes to the quality of our community and environment; and
- WHEREAS,** the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of Durham’s appointed and elected Boards and Commissions and other resident planners who have contributed their time and expertise to the improvement of the City and County of Durham, North Carolina; and

**WHEREAS,** we recognize the many valuable contributions made by both community residents, with expertise from lived experience in this community, and the planners of the Durham City-County Planning Department, with professional and technical expertise, and extend our heartfelt thanks to them for their continued commitment to public service.

**NOW, THEREFORE, BE IT RESOLVED I,** Brenda Howerton, Chair of the Durham Board of County Commissioners and on behalf of the Durham Board of County Commissioners, do hereby proclaim the month of October 2021 as

**“NATIONAL COMMUNITY PLANNING MONTH”**

in Durham County, North Carolina.

This 27<sup>th</sup> day of September 2021.

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Brenda Howerton, Chair  
Durham Board of County Commissioners

Sarah Young, Planning Director thanked the Board for the proclamation. She stated the critical component of community planning was the community engagement. Ms. Young thanked the Planning staff and the community for being engaged in the Durham.

The Board thanked Ms. Young and her staff for their leadership, the comprehensive plan and community engagement.

**Consent Agenda**

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

Vice-Chair Jacobs requested to pull item 21-0575.

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

Commissioner Allam moved, seconded by Commissioner Burns to approve the following items on the Consent Agenda with the exception of item 21-0575.

The motion carried unanimously.

21-0549 Topsy Bull Restaurant Lease Agreement

21-0562 Request by NCDOT for the Board of Commissioners to re-affirm a 2007 BoCC Resolution adding streets within the Hardscrabble Subdivision inclusive of Lewisham Drive to the State-maintained Road System

21-0563 Request for Approval of Easement Agreement and Dedication Plat with Duke Energy Carolinas, LLC., (DEC) for the 300 E. Main St. Structured Parking Garage/Affordable Housing Development

21-0576 Purchase of Parcel ID 171573 – Electra Road

\*21-0579 BOCC Approval of Budget Ordinance Amendment No.22BCC00020 moving \$986,000 of COVID-19 Homeless Housing funds and Black Chamber of Commerce funds from the Non-Departmental Fund Center to the Appropriate Departments

\*21-0580 Property Tax Releases and Refunds for August 2021

21-0581 Settlement of 2020 Property Taxes and the Charge of 2021 Property Taxes to the Tax Collector

\*21-0587 Budget Ordinance Amendment No. 22BCC00025 Social Services to recognize additional Supplemental Chafee (LINKS) funds of \$315,000 to support payments to eligible young people who are in or were in Foster Care who have not benefitted from previous COVID relief efforts (stimulus checks) as part of the John H. Chafee Foster Care Program

\*21-0588 Budget Amendment Ordinance No. 22BCC00030 Durham County to recognize \$596,060 in revenue from the City of Durham for the Low Income Homeowner’s Relief Program and to approve the Interlocal Agreement between Durham County and City of Durham for the Department of Social Services to administer the Low Income Homeowner’s Relief Program

\*21-0598 Budget Amendment No. 22BCC00026 appropriating \$105,500 from Debt Service Fund Fund Balance and Transferring to a new Administration II Upgrade Capital Project (47302635DC152) and Capital Project Amendment No.22CPA00008 Transferring all Unspent Funds (\$573,209.33) from the Administration Building II Renovation Capital Project (47302635DC073) to that same new Administration 21-0598 Durham County Page 13 Printed on 9/27/2021 Board of County Commissioners Meeting Agenda September 27, 2021 Building II Upgrade Project (47302635DC152) for a Total New Project Budget of \$678,709.33

\*21-0611 Budget Amendment Ordinance No. 22BCC00029 Appropriating \$182,850 of General Fund Fund Balance to Expand DSS Infrastructure support for the Adult and Aging Program and Fiscal Operations and Adding Two New Positions to Support Operations

Consent Agenda Item #21-0579

**Durham County, North Carolina  
2021-2022 Budget Ordinance  
Amendment Number 22BCC00020**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2021-2022 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>
<b><u>GENERAL FUND</u></b>			
<b><u>Expenditure</u></b>			
Economic and Physical Development	\$8,288,681.00	\$50,000.00	\$8,338,681.00
General Government	\$137,121,662.00	(\$986,000.00)	\$136,135,662.00

Public Safety	\$67,056,218.00	\$936,000.00	\$67,992,218.00
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

Approved September 27, 2021

Consent Agenda Item #21-0580

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 2021.

Releases and Refunds – August 2021

Releases & Refunds for 2022

Personal Property	\$	0.00
Real Property	\$	<u>0.00</u>
Total	\$	0.00

Releases and Refunds for 2021 Taxes

Real Property	\$	12,694.98
Personal Property	\$	1,185,187.22
Motor Vehicle	\$	0.00
Solid Waste	\$	0.00
Stormwater Utility	\$	96.00
VTS Refunds	\$	<u>14,448.91</u>
Total	\$	1,212,427.11

Releases & Refunds for Prior Years

2016 - 2020

Real Property	\$	17,158.66
Personal Property	\$	123,337.12
Solid Waste	\$	0.00
Stormwater Utility	\$	72.00
VTS Refund	\$	<u>0.00</u>
Total	\$	140,567.78

Grand Total	\$	1,352,994.89
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Consent Agenda Item #21-0587

**Durham County, North Carolina  
2021-2022 Budget Ordinance  
Amendment Number 22BCC00025**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2021-2022 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>
<b>GENERAL FUND</b>			
<u>Expenditure</u>			
Human Services	\$97,743,574.00	\$315,000.00	\$98,058,574.00
<u>Revenue</u>			
Intergovernmental	\$64,086,064.00	\$315,000.00	\$64,401,064.00

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

Approved September 27, 2021

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Consent Agenda Item #21-0588

**Durham County, North Carolina  
2021-2022 Budget Ordinance  
Amendment Number 22BCC00030**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2021-2022 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>
<b>GENERAL FUND</b>			
<u>Expenditure</u>			
Human Services	\$98,241,424.00	\$500,000.00	\$98,741,424.00
<u>Revenue</u>			
Intergovernmental	\$64,401,302.28	\$596,060.00	\$64,997,362.28
Other Financing Sources	\$29,732,356.16	(\$96,060.00)	\$29,636,296.16

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

Approved September 27, 2021

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Consent Agenda Item #21-0598

**Durham County, North Carolina  
2021-2022 Budget Ordinance  
Amendment Number 22BCC00026**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2021-2022 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>
<b><u>DEBT SERVICE FUND</u></b>			
<u>Expenditure</u>			
General Government	\$81,960,827.45	\$105,500.00	\$82,066,327.45
<u>Revenue</u>			
Other Financing Sources	\$81,193,369.45	\$105,500.00	\$81,298,869.45

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

Approved September 27, 2021

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**DURHAM COUNTY, NORTH CAROLINA  
FY 2021-22 Budget Ordinance  
Amendment Number CPA-8**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:  
That the FY 2021-22 budget ordinance is hereby amended to reflect budget adjustments.

<b>Project #</b>	<b>Project Name</b>	<b>Current Budget</b>	<b>Increase / Decrease</b>	<b>Updated Budget</b>
47302635DC152	Administration Building II Upgrade	\$0.00	\$678,709.33	\$678,709.33
47302635DC073	Administration Building II Renovation	\$50,747,129.18	(\$573,209.33)	\$50,173,919.85

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

Approved September 27, 2021

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**Durham County, North Carolina  
2021-2022 Budget Ordinance  
Amendment Number 22BCC00029**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2021-2022 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>			
Human Services	\$98,058,574.00	\$182,850.00	\$98,241,424.00
<u>Revenue</u>			
Other Financing Services	\$29,549,506.16	\$182,850.00	\$29,732,356.16

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

Approved September 27, 2021

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**Public Hearings**

**21-0593 Public Hearing Approval - Zoning Map Change, 2104 & 2112 Ellis Road (Z2000042)**

With no public comments, Chair Howerton closed the public hearing.

Vice-Chair Jacobs inquired about the required buffer between the adjacent residential properties. Patrick Biker, Partner at Morningstar Law Group, representing Stackhouse Development, LLC responded the Unified Development Ordinance required a 30-foot buffer.

First Motion:

Commissioner Burns moved, seconded by Commissioner Allam to adopt an ordinance amending the Unified Development Ordinance by taking property out of Residential Rural (RR) and Residential Suburban-20 (RS-20) and establishing the same as Commercial General with a Development Plan CG(D).

The motion carried unanimously.

Second Motion:

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

The motion carried unanimously.

**Other Business**

**21-0612 ARPA Funding Update**

Jodi Miller, General Manager shared the *American Rescue Plan Act Update* which highlighted the following: Primary Ways Counties May Invest ARPA Funds, Preliminary Funding of ICMA's

September 2021 Survey, Timeline for Engagement, Review and Funding, One-line Survey, Draft Durham County Government AARP Rubric.

Deborah Craig-Ray, General Manger stated the priority would be reaching residents in unincorporated areas to make sure all Durham County residents were able to provide input and recommendations.

Claudia Hager, Interim County Manager thanked the Finance Department, General Managers, all involved staff and the community for helping with the process and providing input.

The Board inquired about the proposals received through the City Portal. Interim Manager Hager replied for County only related proposals, staff would work together to determine which proposals to invest. She added regarding the City/County related proposals, they would have to collaborate on areas to fund and look for ways to proceed with the process.

The Board thanked Managers Miller, Craig-Ray and Interim Manger Hager for responding to questions, explaining the ARPA funding process to residents. They recommended fully funding existing programs before funding new programs and asked when the County would have a robust website available for residents. Interim Manager Hager replied the County planned to have a full website available for residents in a couple of weeks; adding, in the meantime residents were able to leave feedback on the County website.

## **Board and Commission Appointments**

Willie Darby, Senior 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 Services

(i) **Nicole McCoy** (Allam, Burns, Carter, Howerton, Jacobs)

### Bicycle and Pedestrian Advisory Commission

**Tyler Dewey** (Allam, Burns, Carter, Howerton, Jacobs)

**Milton Kendall** (Allam, Burns, Carter, Howerton, Jacobs)

**Kai Monast** (Allam, Burns, Carter, Howerton, Jacobs)

### Citizens Advisory Commission

**Seth Kendall** (Allam, Burns, Carter, Howerton, Jacobs)

### Community Child Protection/Child Fatality Prevention Team

(i) **Jonny Fredrick** (Allam, Burns, Carter, Howerton, Jacobs)

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

(i) **Christy Malott** (Allam, Burns, Carter, Howerton, Jacobs)

(i) **SSG Kibwe G. MuDiwa** (Allam, Burns, Carter, Howerton, Jacobs)

### Discover Durham Tourism Development Authority

**Carlos Rubio** (Allam, Burns, Carter, Howerton, Jacobs)

### GoTriangle Transit Advisory Committee

**Randall Booror** (Allam, Burns, Carter, Howerton, Jacobs)  
**Kathleen Claspell** (Allam, Burns, Carter, Howerton, Jacobs)

Historic Preservation Advisory Committee

(i)**Katie Hamilton** (Allam, Burns, Carter, Howerton, Jacobs)

**Items Pulled from the Consent Agenda**

**21-0575 Durham County Hacking into History Restrictive Covenant Project Contract Approval**

Sharon Davis, Register of Deeds, thanked the Board for the opportunity to provide information to the public about the History Restrictive Covenant Project. She introduced J.T. Tabron, Assistant Register of Deeds.

Mr. Tabron stated *Hacking into History* was a public/private collaboration designed to uncover racially restrictive covenants present in Durham County public records through community forums. He added it would allow subject matters experts to share how the covenants impacted Durham across several aspects of society into the modern day. Mr. Tabron stated the project partners included North Carolina Central University’s SLIS Library, DataWorks NC, Yinsome Group and the Robinson Bradshaw Law Firm.

Commissioner Allam moved, seconded by Commissioner Carter to approve Consent Agenda item 21-0575.

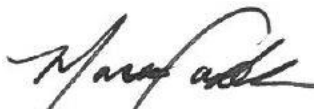
The motion carried unanimously.

**Adjournment**

Commissioner Allam moved, seconded by Commissioner Burns to adjourn the Regular Session meeting at 8:55 p.m.

The motion carried unanimously.

Respectfully Submitted,



Macio Carlton  
Deputy Clerk to the Board