

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

Monday, February 28, 2022

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 Wallace, Clerk to the Board read the following announcements:

1. **DCo Public Health COVID-19 Vaccination Clinic Hours** - The COVID-19 vaccination clinic at the Durham County Department of Public Health, 414 E. Main St., has the following hours to get your free vaccination: Monday, Wednesday, Thursday & Friday: 9 a.m. to 4 p.m. and Tuesdays from 9 a.m. to 5:15 p.m.

Appointments and walk-ins welcome. All doses available. Please note, clinics are closed between 11:30 a.m.-1 p.m. daily. Visit www.dcopublichealth.org/COVIDVaccines or call 919-560-9217 for more information.

2. **Community COVID-19 Vaccine Event** - Duke Health, Durham County Department of Public Health, Durham Parks and Recreation and other local partners will host a Community COVID Vaccine Event on Saturday, March 5 from 10 a.m. to 2 p.m. at Wheels Fun Park, located at 715 N. Hoover Road. Boosters for 12 years and up and vaccines for 5 years and up will be given for free. No appointment necessary. Free COVID-19 testing will be available.
3. **Durham County Cooperative Extension’s 4-H Program Offerings** – The Durham County Cooperative Extension 4-H Program will be offering several low-cost options this

summer for children and youth including day camps and two overnight camps. Early registration is suggested due to limited campers per session to ensure proper social distancing. Please register online at <https://tinyurl.com/DurhamSummerFun>.

The 4-H Youth Program is also holding its second annual 4-H Feather Classic show in October. Youth, aged, 5-18 need to register by **MARCH 4** to pick up your baby chicks in mid-May. Training is provided.

You may contact Mac Hulbert for more information about both programs at 919-560-8295 or by email at gmhulber@ncsu.edu.

4. **Durham Creek Week is Coming!** - Mark your calendars for March 12-19 as this year's Durham Creek Week will offer virtual and in-person activities to help people of all ages learn more about creeks, rivers, and lakes – and how we can all keep them healthy. Durham County residents have a chance to join litter cleanups, go on a canoe adventure, visit nature preserves, or learn from their homes.

Please visit www.durhamcreekweek.org for a complete list of events.

5. **How to do Business with Durham County Government** - The Durham County Minority and Women Business Enterprise Program and The Institute will be conducting a virtual business development training “How to Do Business with Durham County Government – Vendor Registration to the RFP Process” on Wednesday, March 16 from 1 to 2 p.m.

Register at <https://bit.ly/DoBusinessWithDCo> through eventbrite and a link to the trainings will be sent one day prior to the event.

6. **Downtown Durham Feast** - Help support downtown Durham's small, locally owned restaurants and bars with Downtown Durham Feast month. Everyone is invited to eat or drink downtown and enter to win a weekly grand prize of a one-night stay at a downtown hotel, a gift basket and a \$100 SpendaBull e-gift card.

Visit www.downtowndurham.com/feast for rules and how to enter.

7. **Digging Durham Seed Library** - Did you know that you can check out seeds at the library? The Digging Durham Seed Library offers vegetable, herb, and flower seeds that you can take home and plant. You can take seed packets each season, and if you grow seeds, you can donate them for others to check out. By providing both a repository for seeds and training for the folks who plant them, the seed library helps to improve local sustainable food sources, enhance food security, develop local biodiversity, and boost Durham's foodie culture. This program made possible by the Durham Library Foundation.

For more information, please visit <https://durhamcountylibrary.org>

8. **It's Your County...Get Involved!** - Durham County Government has more than 40 active advisory boards referred to as Boards and Commissions that citizens of Durham County may volunteer to participate by applying for a vacancy. A description of the boards as well a list of vacancies can be found at <https://bit.ly/BoardsDco>. You can also contact the Clerk's Office at 919-560-0025 or email us at BoardsandCommissions@dconc.gov

Chair Howerton noted that February 28th was the ten-year anniversary of Trayvon Martin's death and President Joe Biden nominated Judge Ketanji Brown Jackson to serve on the United States Supreme Court.

Chair Howerton read the following letter submitted by Bill and Sherry Scarlett of Vance County acknowledging Durham County staff:

On February 9th, at 9:00 a.m., my wife and I were returning to Vance County after a medical appointment at Duke Hospital. On Interstate 85, at Mile Marker 181, our car motor stopped running and we coasted to the side of the highway. We called for roadside assistance; help was dispatched but never arrived as of 2:00 p.m.

Thankfully, a Durham County employee, Ms. Charlita Felder, a supervisor in General Services, drove by and saw my wife sitting on the ground with our dog at the top of the hill and me on the phone near our car. She took the next exit and returned to offer assistance. She wanted to make sure we were alright and safe. We explained our predicament. She said she would help. She called men she worked with and supervised to help. They stayed with us and helped us get back on the road.

These Durham County employees, Charlita Felder, Omar Guess, Cedrick Graham, and Julio Simuel, are examples of exemplary public services and are tribute to Durham County. My wife and I want to acknowledge them for the help they provided and the care and concern they showed for us. We know that you and the citizens of Durham County valued quality public service. We know that you are proud of these Durham County employees.

Charlita Felder, Solid Waster Operations Manager shared an overview of the public service provided by herself and staff and thanked the Board for the recognition.

The Board thanked Ms. Felder, Mr. Guess, Mr. Graham and Mr. Simuel for responding and providing assistance.

The Board read the following resolution in solidarity with the people of Ukraine:

SOLIDARITY WITH THE PEOPLE OF UKRAINE

- WE,** the Durham County Board of Commissioners, stand in solidarity with the people of Ukraine who are inspiring the world with their incredible heroism, bravery and resilience as they defend their homeland in the face of overwhelming aggression and military force; and

- WE,** the Durham County Board of Commissioners, stand ready to support the people of Ukraine and the opportunity for Ukrainian refugees to be welcomed into our community. We are grateful for the many refugee organizations and religious institutions who are leading the resettlement of refugees from around the world every day in Durham; and

- WE,** the Durham County Board of Commissioners, encourage Durham residents to stand in solidarity with the people of Ukraine, speak out against this war and consider ways to help such as supporting organizations providing direct humanitarian aid during this growing crisis; and

- WE,** the Durham County Board of Commissioners, raise up our voices and join as one with the resounding voices of people throughout our world calling for peace, including Russian citizens protesting their government’s actions. We are grateful to the people of Europe who are opening their homes to the hundreds of thousands of Ukrainian women, children and families forced to flee their country.

This is a defining moment for the world.
Let us all unite for Peace.
Let us call for an immediate ceasefire to end this unprecedented and catastrophic war.
Our hearts and prayers remain with the people of Ukraine.

This the 28th day of February, 2022

Brenda A. Howerton, Chair

Wendy Jacobs, Vice-Chair

Nida Allam, Commissioner

Nimasheena Burns, Commissioner

Heidi Carter, Commissioner

Vice Chair Jacobs stated the Herald Sun newspaper featured an article on humanitarian aid for Ukraine and provided information on how residents could give charity donations. She added staff contacted the Alcoholic Beverage Control Board to confirm Russian products were removed from Durham stores.

Minutes

Vice Chair Jacobs moved, seconded by Commissioner Burns to approve the February 7, 2022 Work Session and February 14, 2022 Regular Session Minutes.

The motion carried unanimously.

Vice Chair Jacobs stated questions the Board asked regarding the Durham County Transit Progress Report at the February 7, 2022 Work Session would need to be answered before the March 7, 2022 Work Session.

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 #22-0103.

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

Commissioner Burns moved, seconded by Commissioner Allam to approve the following items on the Consent Agenda except Item #22-0103.

The motion carried unanimously.

22-0079 Orphan Roads Policy

22-0097 Interlocal Cooperation Agreement for the Division of Sales Tax Between the County of Durham and the City of Durham July 1, 2022- June 30, 2023

22-0102 Contract Amendment between the County of Durham and Eichman Software Consultants in the amount of \$8,110.00

22-0106 2021 Durham County Open Space and Trails Commissions Annual Report

22-0107 2021 Planning Commission Annual Report

22-0108 2021 Board of Adjustment Annual Report

22-0109 2021 Durham City-County Appearance Commissions Annual Report

22-0110 2021 Historic Preservation Commission Annual Report

*22-0111 Capital Project Amendment No.22CPA00018 - Reducing Six 2016 GO Bond-Funded Durham Public School Capital Projects by \$4,654,099.17 and Appropriating \$4,654,099.17 in 2016 GO Bond Funding to Eight Current Durham Public School Renovations Capital Projects; Also Reducing Two Lottery Funded Capital Projects by \$363,131.12 and Allocating \$363,131.12 in Lottery Funding to One Current Capital Project

22-0115 Durham County Sheriff’s Office contract approval with SHI International Corp. in the amount of \$283,359.23 for Licenses and Services for the Enterprise Agreement with Microsoft

22-0124 Request for refund of excise tax to Burns, Day and Presnell, P.A.

Consent Agenda Item #22-0111

**DURHAM COUNTY, NORTH CAROLINA
2021-22 Capital Project Ordinance
Amendment Number 22CPA00018**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2021-22 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

Project #	Project Name	Current Budget	Increase	Updated Budget
59105400SH240	16 Go Hub Farm Improvements	\$ 545,000.00	(\$2,685.52)	\$ 542,314.48
59105400SH262	16 Go Lowes Grove Roof Replacement	\$ 1,037,199.86	(\$4,364.50)	\$ 1,032,835.36
59105400SH277	19 Lf Eno Valley Elementary Roof	\$ 1,000,000.00	(\$25,123.75)	\$ 974,876.25
59105400SH278	20 Lf Glenn Roof Replacement	\$ 1,574,000.00	(\$338,007.57)	\$ 1,235,992.43
59105400SH282	Elementary School C	\$ 33,111,923.00	(\$4,471,686.00)	\$ 28,640,237
59105400SH283	16 Go – Parkwood Quad Modular Unit	\$ 1,000,000.00	(\$35,753.82)	\$ 964,246.18
59105400SH284	16 Go – Lowe’s Grove Brick Veneer	\$ 1,008,000.00	(\$83,245.33)	\$ 924,754.67
59105400SH286	16 Go – Dsa Boiler Replacement	\$ 621,645.00	(\$56,364.00)	\$ 565,281
59105400SH287	16 Go – Brogden Boiler Replacement	\$ 311,000.00	\$ 179,727.65	\$ 490,727.65
59105400SH289	Little River Es - Roof Replacement	\$ 1,477,500.00	\$ 363,131.32	\$1,840,631.32
59105400SH291	High School Theater Renovation	\$ 1,085,000.00	\$ 1,326,441.22	\$ 2,411,441.22
59105400SH293	Glenn Elementary Renovations	\$ 1,287,801.00	\$ 707,376.30	\$1,995,177.70

59105400SH294	Holt Elementary Renovations	\$ 1,681,978.30	\$ 894,562.50	\$ 2,576,540.80
59105400SH295	Bethesda Elementary Renovation	\$ 1,118,299.20	\$ 571,161.00	\$1,689,460.20
59105400SH296	Club Blvd Elementary Renovation	\$ 710,384.70	\$ 380,000.00	\$ 1,090,384.70
59105400SH297	Morehead Elementary Renovation	\$ 502,452.40	\$ 436,000.00	\$938,452.40
59105400SH298	Mangum Elementary Renovation	\$ 519,469.60	\$ 158,830.50	\$ 678,300.10

All capital projects in conflict herewith are hereby repealed.

Approved February 28, 2022.

Other Business

22-0130 Durham County Public Health Focused Update on the COVID-19 Crisis

Rodney Jenkins, Director of Public Health shared the *COVID-19/Vaccine Distribution Update* which highlighted the following: COVID-19 Prevention Strategies, Current COVID-19 Statistics, Current COVID-19 Race and Ethnicity Trends, COVID-19 Percent Positive Labs, Seven-Day Moving Average of Positive Cases, New COVID-19 Cases per 100,000 People in the Past Seven Days, Usage and Capacity Hospitalization Data, Free COVID-19 Testing, COVID-19 Community Levels – Use the Highest Level that Applies to Your Community, Unites States COVID-19 Community Levels by County, COVID-19 County Check, Vaccine Updates, Vaccine Dashboard Data for Durham Residents, The Indoor Mask Mandate, Final Thoughts.

The Board inquired about the trigger metrics from the Center for Disease Control and Prevention (CDC) to remove the indoor mask mandate. Mr. Jenkins responded 200 cases per 100,000 people within the last seven days. He added the CDC focused more on hospital admissions, positive percentages and the number of unvaccinated people. The Board inquired about a campaign focused on vaccine boosters and asked when children under the age of five would be able to receive a vaccination. Mr. Jenkins replied he met with the State Healthier Together Team to develop a plan to focus on vaccine boosters and the release date of the vaccination for children under five was April 2022. The Board asked if schools and businesses would be able to make their own decision about mask if the County released the mask mandate on March 7th. Mr. Jenkins replied schools met once a month to decide about the mask mandate and businesses were allowed to make their own decisions. The Board questioned when the data points would be placed on the dashboard and inquired about the number of vaccinated school students in Durham. Mr. Jenkins replied the data was published twice daily to the dashboard and he would provide the Board with the school students vaccination data.

22-0099 Presentation of the Fiscal Year (FY) 2021 Annual Financial Audit and Annual Comprehensive Financial Report (ACFR) and the FY 2021 Annual Single Audit And Compliance Report

Scott Duda, Managing Partner for Cherry Bekaert LLP and Mike Carey, Senior Audit Manager for Cherry Bekaert LLP shared the *2021 Audit Summary* which highlighted the following: Agenda, Role of the External Auditor, Internal Controls, Significant Audit Areas, Single Audit, Audit Results, Required Communications, Other Matters.

The Board questioned deficiencies. Mr. Duda replied the deficiencies included documents not submitted in the required time limit, a late submittal letter and missing documentation. He added the Audit Committee reviewed the deficiencies. The Board asked for data on committed funds and balances. Susan Tezai, Chief Financial Officer responded she would provide the Board with the data.

The Board thanked Ms. Tezai and the Finance Department for a successful audit report and stated Durham County was in financial position to accomplish more for residents.

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.

Alliance Board of Directors

Carol L. Council (Allam, Burns, Carter, Howerton, Jacobs)

Durham Racial Equity Commission

Krista Kenney (Allam, Burns, Carter, Howerton, Jacobs)

Sheila Mullen (Allam, Burns, Carter, Howerton, Jacobs)

Lea Efird (Allam, Burns, Carter, Howerton, Jacobs)

Tiffany Foster (Allam, Burns, Carter, Howerton, Jacobs)

Ruth Phillips (Allam, Burns, Carter, Howerton, Jacobs)

Ernest Smith (Allam, Burns, Carter, Howerton, Jacobs)

Ramya Krishna (Allam, Burns, Carter, Howerton, Jacobs)

GoTriangle Transit Advisory Commission

James F. Faron (Allam, Burns, Carter, Howerton, Jacobs)

Juvenile Crime Prevention Council

Bonita Graham (Allam, Burns, Carter, Howerton, Jacobs)

Items Pulled from the Consent Agenda

*22-0103 Budget Amendment 22BCC00069 Increasing the 300 E. Main St. Affordable Housing Redevelopment Master Declaration Agreement Through Appropriating \$3,800,000 of Debt Service Fund Fund Balance to the PayGo Fund for Loan #2 and Authorize the County Manager to Execute an Amendment to the Master Declaration Agreement for the Project

Peri Manns, Assistant General Manager stated construction of the affordable housing portion of the 300 Main Street project was slated to begin in November 2021. He added Laurel Street Residential (LSR) informed Durham County construction cost was significantly higher than previously estimated which created a \$7.1 million dollar financing gap. Mr. Manns stated Durham County and LSR agreed to fix the financing gap by removing the previous master declaration agreement of \$973,668 of reimbursement cost from LST back to the County for cost shares of items. He added Durham County would enter into a 15-year master lease agreement at construction loan closing for additional loan proceeds at \$2.4 million dollars and would add additional loan funds “Up-To” \$3.8 million dollars.

Ronn Stewart, Senior Vice President, Laurel Street Residential (LSR) stated majority of the construction cost increase was due to the price of lumber. He added LSR worked with the general contractor to determine how to reduce some of the construction cost. Mr. Stewart stated LSR would have an overall project review for cost savings once the sub-contractors were established.

Noel Henderson-James, Development Director for LSR stated he appreciated how the County stepped-up to provide affordable housing and the goal was to utilize funds in a responsible manner.

The Board stated affordable housing was needed in Durham and the County subsidized \$10 million dollars for affordable housing and subsidized the childcare center for the project to be successful. The Board thanked LSR for working with the County on the important project.

Vice Chair Jacobs moved, seconded by Commissioner Carter to approve the Consent Agenda Item 22-0103.

The motion carried unanimously.

Consent Agenda Item #22-0103

**Durham County, North Carolina
2021-2022 Budget Ordinance
Amendment Number 22BCC00004**

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>DEBT SERVICE FUND</u>			
<u>Expenditure</u>			
General Government	\$82,401,327.45	\$3,800,000.00	\$86,201,327.45
<u>Revenue</u>			
Other Financing Sources	\$81,633,869.45	\$3,800,000.00	\$85,433,869.45

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

Approved February 28, 2022

Closed Session

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 establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract; pursuant to G.S. 143-318.11(a)(5).

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

The motion carried unanimously.

Reconvene to Open Session

Chair Howerton announced the Board was given direction to offer a contract to Kimberly J. Sowell as the incoming County Manager.

Vice Chair Jacobs moved, seconded by Commissioner Allam to authorize the Board Chair to sign a contract on behalf of the Durham County Board of County Commissioners to Kimberly J. Sowell for employment as the incoming County Manager.

The motion carried unanimously.

Adjournment

Commissioner Allam moved, seconded by Commissioner Burns to adjourn the Regular Session meeting at 10:26 p.m.

The motion carried unanimously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Macio Carlton", written in a cursive style.

Macio Carlton
Deputy Clerk to the Board