

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

Monday, June 27, 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, Commissioners Nida Allam, Nimasheena Burns and Heidi Carter

Excused: Vice Chair Wendy Jacobs

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 COVID19 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 - 9 a.m. to 5:30 p.m. Appointments and walk-ins are welcome, and all doses are available. Please note, clinics are closed between 11:30 a.m. - 1 p.m. daily and will be closed on Monday, July 4 in recognition of Independence Day. For more information, please visit [www.dcopublichealth.org/COVIDVaccines](http://www.dcopublichealth.org/COVIDVaccines) or call 919-560-9217
2. **43rd Annual Eno Fest** – The Eno River Association presents the 43rd annual Festival for the Eno on Saturday, July 2 and Monday, July 4. The event returns with an immersive in-person experience with live music, craft show, food and fun on the Eno River! Get more information and buy tickets at [www.enofest.org](http://www.enofest.org).
3. **Find No Cost Meals for DCo Children** – Parents and caregivers can find no cost meals from various community partners this summer.
  - No Kid Hungry: Text FOOD or COMIDA to 304-304 to receive a text with 3 drive-thru or pick-up sites with meals for kids closest to them.

- Food Resources in Durham Locator Map: From D.I.N.E., the Durham County Cooperative Extension, Durham City-County GIS and End Huger Durham, the Food Resources in Durham Locator Map helps you find food resources using your address. Visit <https://durham-area-food-resources-durhamnc.hub.arcgis.com/>
- DCo Library Distribution: Three Durham County Library locations will be hosting summer meal distributions this summer (excluding the July 4th holiday):
  - Main Library - Monday-Friday, June 13 to August 12, from 12-1 p.m.
  - North Regional - Monday-Thursday, June 13 to July 28, from 11 a.m.-12 p.m.
  - South Regional - Monday-Friday, June 13 to July 29, from 11 a.m.-12 p.m.

4. **2022-2023 Durham County Agricultural Economic Development Grant Program: Grant Writing Information Sessions** – Durham County has a successful economic development plan that offers cash incentives to businesses that create jobs in the community. This grant program mimics the same outcome but is directed to support farms, new and beginning entrepreneurs, nonprofits that support agriculture in the county and to support agriculture education in schools.

To learn more about the two grants being offered please join one of the following hybrid sessions:

- Thursday, June 30<sup>th</sup> 8-9am – Durham Farm Bureau Office, 1901 Hillandale Rd.
- Tuesday, July 12<sup>th</sup> 6-7pm – North Regional County Library, 221 Milton Rd.

To register, please contact Sherry Scully at 919-560-0558 or by email at [sscully@dconc.gov](mailto:sscully@dconc.gov)

5. **Durham County Call for Artists** – Durham County Government invites artists or artist teams to submit qualifications for the design and installation of public artwork inside, on, or around several Durham County Buildings. This is a rolling call for multiple projects at various locations, and multiple artists and artist teams will be commissioned. Deadline is August 31st! Apply through CaFÉ, the the national online Calls for Entries portal at [https://artist.callforentry.org/festivals\\_unique\\_info.php?ID=9345](https://artist.callforentry.org/festivals_unique_info.php?ID=9345)
6. **Durham County Government to Observe Independence Day** – Most Durham County Government offices will be closed on Monday, July 4, 2022, in observance of the Independence Day holiday. All offices will re-open with normal business hours on Tuesday, July 5. Find out how this will impact services by visiting [www.dconc.gov](http://www.dconc.gov).
7. **Become a Durham County Precinct Official** – Are you interested in seeing democracy in action? Durham County voters are served by paid Precinct Officials who staff early voting sites and serve Election Day polling places. To begin the application process with the Durham County Board of Elections, complete an Interest Form in VolunteerHub by visiting here: [www.dcovotes.com/public-information/election-workers](http://www.dcovotes.com/public-information/election-workers).

For detailed instructions on creating your VolunteerHub account and completing the Interest Form, see their New Applicant User Guide here: [www.dcovotes.com/home/showpublisheddocument/35343/637794157559970000](http://www.dcovotes.com/home/showpublisheddocument/35343/637794157559970000)

Commissioner Allam announced abortion access remained legal in North Carolina and recommended that the Commissioners and the Board of Health have a discussion on whether to provide funding for non-profits to assist residents seeking abortion services.

Chair Howerton announced El Centro Hispano recognized Durham Technical Community College with

the 2022 Gilbertson-Clark Visionary Award at a gala celebration on June 25<sup>th</sup>.

Chair Howerton made the following statement:

*“Durham being the progressive County it is knows just how devastating this moment for our County is. The Supreme Court struck down Roe V. Wade, overturning nearly 50 years of precedent, stripping millions of people of their fundamental reproductive freedoms, and making it harder and less safe to access healthcare. It’s shocking and it’s heartbreaking; but we can’t let despair win, we must do everything in our power to save our right to choose. It’s never been more important to stand shoulder to shoulder with one another in this fight for justice. This is a dire crossroad in our nation’s history, and what we do right now will have direct consequences for generations of Americans.”*

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## **Ceremonial Items**

### **22-0282 Durham County Erosion Control Program Receives Local Program Award**

Ryan Eaves, Stormwater and Erosion Control Division Manager thanked the Board for the recognition and introduced Julie Coco, State Sedimentation Specialist, North Carolina Department of Environmental Quality. Ms. Coco shared the Durham County Erosion Control Program was the recipient of the Large Local Program Award and provided an overview of the County’s response to work conditions created by COVID-19.

The Board thanked Ms. Coco, Mr. Eaves and the Stormwater and Erosion Control staff for winning the award and for keeping Durham County’s water available and clean for residents.

## **Consent Agenda**

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

Commissioner Burns requested to briefly comment on Item 22-0387 – stating the Board would authorize a contract with Urban Ministries of Durham for Non-Congregate Homeless Housing in the amount of \$1,025,000.

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.

The motion carried unanimously.

22-0346 Execution of a Contract Amendment for the Construction Materials Testing and Special Inspections for the Durham County 300 E. Main St. Structured Parking Deck with Falcon Engineering, Inc.

22-0368 Settlement Authority-Blue TEC II Class Action

22-0378 Approval of Memorandum of Agreement with Triangle J Council of Governments (TJCOG) to Provide Planning and Technical Assistance for the Triangle Region Solid Waste Consortium

\*22-0382 Property Tax Releases and Refunds for May 2022

22-0387 Approval of Non-Congregate Homeless Housing Contract with Urban Ministries of Durham

22-0389 Approval of FY22-23 Annual Service Contract with Urban Ministries of Durham

22-0398 Service Contract with Velasquez Digital Media Communications, LLC

\*22-0399 Capital Project Amendment No. 23CPA00001 - FY 2022-23 Appropriation of Approved County Contribution (PAYGO) Funds (\$6,593,095) for Multiple Capital Projects

\*22-0400 Capital Project Amendment No. 23CPA00002 - Appropriate \$750,000 of Collection System Rehabilitation Fund Fund Balance and Transfer Funding to the Collection System Rehabilitation Capital Project (SE051), as well as Transfer \$6,422.86 from the Aeration System Improvements TWWTP Capital Project (7100SE055) to the Collection System Rehabilitation Capital Project (SE051), for a New Total Project SE051 Budget of \$5,148,592.13

\*22-0401 Capital Project Amendment No. 22CPA00027 - Reducing Multiple Completed Capital Projects to \$0

22-0403 Local Erosion Control Program Memorandum of Agreement

22-0408 Bull City Financial Services (BCFS) Contract Amendment

22-0409 EMS Management & Consultants (EMS|MC) Contract Amendment #3

22-0412 Approve the Revised Agreement with Alliance Behavioral Healthcare (“Alliance”) for Fiscal Year (FY) 2022 and Approve the Agreement with Alliance for FY 2023

Consent Agenda Item #22-0382

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 May 2022.

Releases and Refunds – May 2022

Releases & Refunds for 2022

|                   |    |                 |
|-------------------|----|-----------------|
| Personal Property | \$ | 0.00            |
| Real Property     | \$ | <u>2,908.99</u> |
| Total             | \$ | 2,908.99        |

Releases and Refunds for 2021 Taxes

|                   |    |          |
|-------------------|----|----------|
| Real Property     | \$ | 2,721.22 |
| Personal Property | \$ | 274.80   |
| Motor Vehicle     | \$ | 0.00     |
| Solid Waste       | \$ | 0.00     |

|                    |                     |
|--------------------|---------------------|
| Stormwater Utility | \$ 0.00             |
| VTS Refunds        | \$ <u>12,536.77</u> |
| Total              | \$ 15,532.79        |

Releases & Refunds for Prior Years  
2016 - 2020

|                    |                  |
|--------------------|------------------|
| Real Property      | \$ 6,294.18      |
| Personal Property  | \$ 1,170.13      |
| Solid Waste        | \$ 0.00          |
| Stormwater Utility | \$ 0.00          |
| VTS Refunds        | \$ <u>0.00</u>   |
| Total              | \$ 7,464.31      |
| <br>Grand Total    | <br>\$ 25,906.09 |

Consent Agenda Item #22-0399

**DURHAM COUNTY, NORTH CAROLINA**  
**2022-23 Capital Project Ordinance**  
**Amendment Number 23CPA00001**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2022-23 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

| Durham County Capital Projects                                       | Current Budget      | Increase/Decrease  | Updated Budget      |
|--|---------------------|--------------------|---------------------|
| Ongoing HVAC Replacement (4190DC076)                                 | \$3,407,055         | \$622,660          | \$4,029,715         |
| Ongoing Roof Replacement (4190DC073)                                 | \$3,637,426         | \$121,992          | \$3,759,418         |
| Ongoing Building Envelope (4190DC078)                                | \$2,374,415         | \$1,138,297        | \$3,512,712         |
| Ongoing Security Improvements (4190DC081)                            | \$2,088,963         | \$99,765           | \$2,188,728         |
| Ongoing Parking Lot Replacement (4190DC074)                          | \$1,995,052         | \$350,050          | \$2,345,102         |
| County Stadium Upgrades (4190DC083)                                  | \$3,095,588         | \$219,350          | \$3,314,938         |
| Detention Center Windows (4190DC084)                                 | \$1,696,141         | \$1,364,162        | \$3,060,303         |
| IT Security Program Support (NEW) (42001910DC142)                    | \$0                 | \$876,360          | \$876,360           |
| DTCC HVAC Systems Retrofit (NEW) (59205300CC017)                     | \$0                 | \$1,100,000        | \$1,100,000         |
| IT Sheriff Body and Car Cameras/Body Worn Camera Project (4310DC092) | \$1,008,885         | \$200,459          | \$1,209,344         |
| Open Space Land Acquisition (4730DC083)                              | \$13,457,020        | \$500,000          | \$13,957,020        |
| <b>TOTALS</b>  | <b>\$32,760,545</b> | <b>\$6,593,095</b> | <b>\$39,353,640</b> |

Adopted this the 27th day of June 2022.

Consent Agenda Item #22-0400

**DURHAM COUNTY, NORTH CAROLINA  
2022-23 Capital Project Ordinance  
Amendment Number 23CPA00002**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2022-23 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

| <b>Project</b>                                   | <b>Current Budget</b> | <b>Increase/ Decrease</b> | <b>Revised Budget</b> |
|--|-----------------------|---------------------------|-----------------------|
| Collection System Rehabilitation Project (SE051) | \$4,392,169.27        | \$756,422.86              | \$5,148,592.13        |
| Aeration System Improvements TWWTP (SE055)       | \$2,103,200.00        | (\$6,422.86)              | \$2,096,777.14        |

Adopted this the 27th day of June 2022.

Consent Agenda Item #22-0401

**Durham County, North Carolina  
FY 2021-2022 Capital Project  
Amendment Number 22CPA-27**

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> |
|------------------|---------------------------------------|-----------------------|----------------------------|-----------------------|
| 42001910DC105    | 16 Sheriff Technology Upgrade Project | \$599,400.00          | (\$3.52)                   | \$599,396.48          |
| 61102540DC096    | Bragtown Branch Library               | \$20,000.00           | (\$55.20)                  | \$19,944.80           |

All capital projects in conflict herewith are hereby repealed.

Approved June 27, 2022

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**Other Business**

**22-0402 2022 General Obligation Bond Referendum – Process Update**

Claudia Hager, General Manager shared the *Durham County Government Education Bond Referendum* which highlighted the following: *Discussion, Capital Planning Elements, Capital Improvement Plan Highlights, Bond Referendum Process Next Steps, 2022 Education Proposed Bond Referendum, Proposed 2022 Go Bond Referendum, Related Property Tax Bill for Various House Valuations, Timeline Highlights, Supplemental Information, FY 2022-31 Ten Year Capital Improvement Plan, Capital Financing Plan, Property Tax Rate Needed to Support Annual Debt, Capital Improvement Plan Debt Funding FY 2022-23, Annual Debt Service Payment Over Time and Capital Financing Plan.*

The Board inquired about the Blue-Ribbon Panel. Deborah Craig-Ray, General Manager responded the panel was a group of community citizen influencers with a focus on raising money and advertising to market and inform the Durham community about the Bond Referendum. The Board questioned the County spending money on marketing and advertising. Willie Darby, Acting County Attorney replied the law prohibited public money from being spent on marketing and advertising.

Dr. Kimberly Sowell, County Manager confirmed that the Durham County website would provide factual information on the Bond Referendum. Ms. Hager also shared that staff would be contacting the Board of Education and other entities to be sure their information was available as well to the public. The Board inquired about public hearings and presentations. Ms. Hager stated the public hearings would allow residents opportunities to give feedback and the presentations would provide factual information and data.

### **22-0377 ARPA Funding Update and Approve Grant Ordinance Appropriating ARPA Funds**

Claudia Hager, General Manger shared the *American Rescue Plan Act Update* which highlighted the following: *Emergency Federal Funding, American Rescue Plan, Key Dates – Recap, Primary Ways Counties May Invest ARPA Funds, Durham County Government ARPA Rubric, Managing ARPA Funds, ARPA Spending/Allocation to Date, Broadband Update, County RFP Broadband Update, Phase 1 – ARPA RFP Schedule, Supplemental Information, Board Adopted ARPA Spending Framework \$6.98 Million Allocate in FY 2022-23, Draft Durham County Government ARPA Rubric.*

The Board stated the broadband update needed to include areas in Durham with no internet access. Ms. Hager responded surveys would be collected from all over Durham County to determine areas without broadband access. The Board inquired about the strategy for the July 5<sup>th</sup> - August 15<sup>th</sup> application acceptance for ARPA funds. Ms. Hager replied staff contacted similar entities with a majority response of a 30-day application acceptance; shortly after, Durham County decided to expand to a 40-day application acceptance.

The Board asked how the County would inform the public about the RFP. Ms. Hager responded the County would release information on social media, newspaper publications, community partners and non-profit through a list. The Board asked if the process would include proposals from County departments. Ms. Hager stated County departments could apply for the RFP and the award process would be based on the need. The Board asked to receive an email providing information on FEMA reimbursements to the County.

Commissioner Carter moved, seconded by Commissioner Allam to approve the Grant Ordinance for a multi-year grant budget for the appropriation of the ARPA funding the County allocated.

The motion carried unanimously.

**Directive: Commissioner Burns requested the Board receive an email providing information on FEMA reimbursements to the County.**

### **Board and Commission Appointments**

#### **22-0391 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.

Animal Welfare Advisory Board

**Elizabeth Overcash** (Allam, Burns, Carter, Howerton)

Bicycle and Pedestrian Advisory Commission

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

Citizen Advisory Committee

(i)**Richard LeBennett** (Allam, Burns, Carter, Howerton)

Criminal Justice Advisory Committee

(i)**Deborah Williams** (Allam, Burns, Carter, Howerton)

Durham County Hospital Corporation Board of Trustees

**Colleen Shannon** (Allam, Burns, Carter, Howerton)

Durham County Women's Commission

(i)**Aquaris Anderson** (Allam, Burns, Carter, Howerton)

(i)**SaKorya Bullock** (Allam, Burns, Carter, Howerton)

(i)**Jenny Gomez** (Allam, Burns, Carter, Howerton)

(i)**Patrice High** (Allam, Burns, Carter, Howerton)

(i)**Courtney Kelly**(Allam, Burns, Carter, Howerton)

Durham Cultural Advisory Board

(i)**E'Vonne Coleman-Cook** (Allam, Burns, Carter, Howerton)

Durham Planning Commission

(i)**Scott MacIver** (Allam, Burns, Carter, Howerton)

Durham Sports Commission

(i)**Ingrid Wicker McCree** (Allam, Burns, Carter, Howerton)

Environmental Affairs Board

(i)**Melanie Allen** (Allam, Burns, Carter, Howerton)

(i)**Jennifer Carrigan** (Allam, Burns, Carter, Howerton)

(i)**Ethan Case** (Allam, Burns, Carter, Howerton)

**Corie Hlavaty** (Allam, Burns, Carter, Howerton)

Historic Preservation Commission

**Alva Horton** (Allam, Burns, Carter, Howerton)

Juvenile Crime Prevention Council

**Seth Kandl** (Allam, Burns, Carter)

Randall Borrer (Howerton)



## **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)
- The Board is requested to adjourn into Closed Session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee; pursuant to G. S. 143-318.11(a)(6).
- To consult with an attorney employed by Durham County to preserve the attorney-client privilege between the attorney and the public body in the matter of Antoni Dabrowski v. Durham County, Durham County EMS, Angel Garrish, Aubrey Reinhard, and several other defendants; pursuant to G. S. 143-318.11(a)(3)

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

The motion carried unanimously.

## **Reconvene to Open Session**

### First Motion:

Commissioner Carter moved, seconded by Commission Allam to amend the contract of the County Manager to give her a \$2000.00 housing allowance for the duration of her employment in exchange for a commitment of two years' service to Durham County Government.

The motion carried unanimously.

### Second Motion:

Commissioner Carter moved, seconded by Commissioner Allam to amend the contracting authority of the County Attorney to authorize him to negotiate and execute a contract for the representation of individual capacity claims against two County employees with a not to exceed amount of \$75,000.00, along with any other necessary documents, with future amendments to be executed by him up to his current contracting authority.

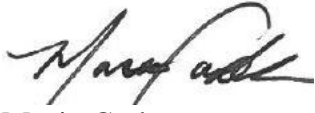
The motion carried unanimously.

## **Adjournment**

Commissioner Allam moved, seconded by Commissioner Burns to adjourn the Regular Session meeting at 9:11 p.m.

The motion carried unanimously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Macio Carlton". The signature is fluid and cursive, with the first name "Macio" being more prominent than the last name "Carlton".

Macio Carlton  
Deputy Clerk to the Board