

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

Monday, April 26, 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. **Reopening of COVID-19 Vaccine Scheduling Phone Line** – Beginning Monday, April 19<sup>th</sup>, the Durham County Department of Public Health reopened the telephone lines for vaccination appointment scheduling. All community members ages 16 and older should call 919-560-HELP (4357) to schedule an appointment.
2. **2021 Durham Youth Leadership Fund** – The Durham Office on Youth (OOY) is excited to announce the Durham Youth Leadership Fund. The Fund would invest in leadership and decisions making opportunities for young people and respond to COVID-19 needs. Young people, ages 13-24, community groups and organization are welcome to apply for \$500-\$20,000 in funding.

Applications must be submitted by May 2<sup>nd</sup> at 11:59pm. Please visit [www.durhamnc.gov](http://www.durhamnc.gov) for additional information in English and Spanish or contact A'lice Frazier at 984-260-6703 (English) or Cate Elander at 347-738-0694 (Spanish).

3. **Volunteer Services Scholarships** – Zakat Foundation of America is honoring the humanitarian contributions of high-school volunteers with over \$20,000 in scholarships for seniors going to college. To be eligible, you must be a NC high-school senior who volunteerism with the Zakat Foundation of America or other nonprofit.

Applications are being accepted until May 10<sup>th</sup> by visiting [www.tinyurl.com/zfscholarship](http://www.tinyurl.com/zfscholarship). For questions please email [nayma@zakat.org](mailto:nayma@zakat.org)

4. **NC Medicaid Managed Care Open Enrollment is Happening NOW!** – Clients will have five healthcare plans to choose from instead of just one Medicaid program. Please visit [www.ncmedicaidplans.gov](http://www.ncmedicaidplans.gov) or call 1-833-870-5500 to make your selection.
5. **Zakat Foundation of America Presents: Ramadan 2021 Feel the Hunger to Do Good** – Throughout the month of April and May, there will be Iftar and Hot Meal Distributions at the locations listed below:
  - 5410 Nc Highway 55 Suite AC (April 29<sup>th</sup> and May 6<sup>th</sup> from 6-7pm)
  - 5114 Revere Rd (April 27<sup>th</sup> from 9-11am)
  - 1501 Sima Ave (May 3<sup>rd</sup> and May 10<sup>th</sup> from 6-7pm)
6. **Food for Durham** – Food for Durham is here and is now accepting donations to benefit Durham County food pantries and other food distribution organizations. Food for Durham is a new, community-led initiative to help our incredible local food and hunger relief nonprofits secure food, equipment and other essentials so that they can keep supporting the community in this time of increased need.

To learn more, visit the Food for Durham website at [www.unitedwaytriangle.org/foodfordurham](http://www.unitedwaytriangle.org/foodfordurham) or follow Food for Durham on social media using the hashtag #food4durham.

## Minutes

Vice-Chair Jacobs moved, seconded by Commissioner Carter to approve the March 8, 2021 and March 22, 2021 Regular Session minutes.

The motion carried unanimously.

## Ceremonial Items

### **21-0192 Resolution – Recognition of The Need to Make Durham Friendlier For Birds, People, and the Environment By Adopting The “Plan For A Bird-Friendly Durham” and “Best Practices For A Bird-Friendly Durham”**

Commissioner Allam, Burns, Carter and Vice-Chair Jacobs read the following resolution:

#### **RECOGNITION OF THE NEED TO MAKE DURHAM FRIENDLIER FOR BIRDS, PEOPLE, AND THE ENVIRONMENT BY ADOPTING THE “PLAN FOR A BIRD-FRIENDLY DURHAM” AND “BEST PRACTICES FOR A BIRD-FRIENDLY DURHAM”**

**WHEREAS,** According to a study conducted by leading ornithologists published in the September 2019 issue of *Science*, nearly one-third of the wild birds in the United States and Canada have vanished since 1970 (2.9 billion), and

**WHEREAS,** This study and numerous other studies on plants and animals present overwhelming evidence for the decline in the world’s biodiversity (biodiversity defined as “the variety of life on earth, in all its forms and all its interactions”), and

**WHEREAS,** Loss of biodiversity is recognized as being as devastating as the climate crisis to life on earth, as stated by the United Nations Environment Programme World Conservation Monitoring Centre: “Climate change and biodiversity loss are twin crises that should be tackled together. Conserving, managing, and restoring ecosystems are key to success,” and

**WHEREAS,** The United Nations *Global Assessment Report on Biodiversity and Ecosystem Services* states that, “Nature is declining globally at rates unprecedented in human history – and the rate of species extinctions is accelerating, with grave impacts on people around the world now likely....We are eroding the very foundations of our economies, livelihoods, food security, health and quality of life worldwide....It is not too late to make a difference, but only if we start now at every level from local to global,” and

**WHEREAS,** New Hope Audubon Society, a chapter of the National Audubon Society, and its Durham partners have created a blueprint for a bird-friendly Durham that addresses loss of biodiversity in our community, promotes best practices for environmental stewardship, and makes our community a richer, more biologically diverse, healthier place to live for all inhabitants, human, bird, and otherwise, and

**WHEREAS,** North Carolina cities including our neighbors in Raleigh, Cary, Greensboro, and Wilmington, and cities across the country including Richmond, San Francisco, Austin, Milwaukee, Norfolk, Pittsburgh, St. Louis, and Washington, D.C., are taking steps to conserve and celebrate nature in all its forms and make residents aware of the many important ways they benefit from preserving and enhancing biodiversity, and

**WHEREAS,** A growing body of epidemiological research indicates strong positive correlations between spending time in nature and overall human health and well-being, including lower mental and emotional stress, less depression, better weight control, less impulsive decision making, better mental focus, less exposure to health-altering air pollution, noise, and excessive heat; and higher immune system function, and

**WHEREAS,** Studies show that people who are historically disadvantaged due to health, disability, income, minority status, and systemic racism reap the benefits mentioned above more than any other group (From: Nature-Based Solutions to Climate Change Adaptation in Urban Areas pp 187-205, “Effects of Urban Green Space on Environmental Health, Equity and Resilience”), and

**WHEREAS,** New Hope Audubon’s “Plan for a Bird-friendly Durham” provides a path forward for the county to ensure that the community is bird-, eco-, and people friendly.

**NOW, THEREFORE, BE IT RESOLVED,** that we the Durham County Commission do hereby support the goals in New Hope Audubon Society’s “Plan for a Bird-friendly Durham” and encourage use of the “Best Practices for a Bird-friendly Durham” document that New Hope Audubon has submitted to the Durham City/County Planning Department as its guide.

This the 26<sup>th</sup> day of April, 2021.

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Nida Allam, Commissioner

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Nimasheena Burns, Commissioner

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Heidi Carter, Commissioner

Barbara Driscoll, President of the New Hope Audubon Society (NHAS) and Co-Chair of the Bird Friendly Habitat Committee thanked the Board for the resolution and support for a bird-friendly Durham. The Board thanked Ms. Driscoll and NHAS volunteers for the plan and best practices to make Durham a bird-friendly community.

**21-0277 Proclamation – National Volunteer Week 2021**

Chair Howerton read the following resolution:

**NATIONAL VOLUNTEER WEEK | 2021**

- WHEREAS,** thousands of Durham County citizens utilize their time and talent to make a real difference in the lives of their fellow citizens; and
- WHEREAS,** individuals and communities are at the center of social change, discovering their power to make a difference; and
- WHEREAS,** the entire community can inspire, equip and mobilize its citizens to take action that can change the world, and
- WHEREAS,** the giving of oneself in service to others empowers the giver and the recipient, alike; and
- WHEREAS,** experience teaches us that government by itself cannot solve all of our social problems and our County could not function without volunteers who serve on our boards, commissions, task forces and committees; and
- WHEREAS,** citizen participation is essential for good government because volunteers help shape the policies that keep our County moving forward in the right direction and their impact can be felt throughout the community; and
- WHEREAS,** the health and well-being of Durham County is enhanced by neighbors helping neighbors; and
- WHEREAS,** Durham County’s volunteer force is a great treasure; and
- WHEREAS,** volunteers are vital to our future as a caring and productive community; and
- WHEREAS,** Durham County recognizes the value of its volunteers and proudly joins other North Carolina counties and our Nation in celebrating National Volunteer Week to honor

the more than 63 million volunteers nationwide and over 300 volunteers who serve on the County's 40+ Boards and Commissions.

**NOW, THEREFORE BE IT RESOLVED**, that, I, Brenda Howerton, Chair of the Durham Board of County Commissioners and on behalf of the Durham Board of County Commissioners, do hereby proclaim April 18-24, 2021 as

**“NATIONAL VOLUNTEER WEEK”**

in Durham County and urge our fellow citizens to volunteer in their respective neighborhoods. Durham County takes great pleasure in honoring the volunteers of our community and conveying our sincere gratitude and appreciation for their committed, selfless, and compassionate efforts to make a difference.

This the 26<sup>th</sup> day of April 2021.

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Brenda Howerton, Chair  
Durham Board of County Commissioners

Monica Toomer, Clerk to the Board stated Durham County had 44 citizen volunteer Boards and Commissions. She thanked Tania De Los Santos, Senior Administrative Assistant for answering citizen questions and helping with the applications for Boards and Commissions; and thanked Macio Carlton, Deputy Clerk for assisting Ms. De Los Santos with the Boards and Commissions. Ms. Toomer explained COVID-19 canceled the yearly in-person Volunteer Appreciation Event and the Clerk's Office would send the resolution to each of the Boards and Commissions. The Board expressed gratitude to all of the citizen volunteers on the Boards and Commissions and encouraged residents to apply for open vacancies on Boards and Commissions.

**Consent Agenda**

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

The Board requested to comment on the following:

- Item 21-0254– Vice Chair Jacobs thanked Peri Manns, Assistant General Manager/Deputy Director of Engineering and Environmental Services and staff involved with the Public Art Agreement.

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.

The motion carried unanimously.

21-0239 Resolution to Designate Review Officers for the Town of Morrisville

\*21-0244 Property Tax Releases and Refunds for March 2021

21-0254 Execution of the Public Art Agreement with Parasoliel, LLC for the Design of the Structural Public Art Screen Wall at the 318 E. Main Street Parking Garage

21-0257 Request by the North Carolina Department of Transportation (NCDOT) for the Durham County Board of County Commissioners (BOCC) to adopt a Resolution for the addition of 0.21 miles of Sunstone Drive to the State Maintained Secondary Road System.

Consent Agenda Item #21-0244

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 March 2021.

Releases and Refunds – March 2021

Releases & Refunds for 2021

Personal Property	\$ 1,563.64
Real Property	\$ <u>0.00</u>
Total	\$ 1,563.64

Releases and Refunds for 2020 Taxes

Real Property	\$ 65,727.09
Personal Property	\$ 17,166.85
Motor Vehicle	\$ 0.00
Solid Waste	\$ 343.56
Stormwater Utility	\$ 36.00
VTS Refunds	\$ <u>6,005.64</u>
Total	\$ 89,279.14

Releases & Refunds for Prior Years

2015 - 2019

Real Property	\$ 65,602.81
Personal Property	\$ 35,707.28
Solid Waste	\$ <u>933.05</u>
Total	\$ 102,243.14

Grand Total \$ 193,085.92

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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:

- 24,943 total cases
- 37 seven-day moving average
- 56.6 percent were African American; 24.1 percent were Caucasian; 14.1 percent were Latinx
- Vaccination available for anyone age 16 and older
- Greatest number of cases were among people who worked in universities, scientific, technical and unemployed
- Approximately 34.8 percent of Durham County residents were fully vaccinated

The Board asked for information to be shared with the public about the Johnson and Johnson vaccination. Mr. Jenkins responded the Center for Diseases Control (CDC) and Federal Drug Administration (FDA) recommended to resume the use of the vaccination and Durham was taking extra precautions to protect residents and provide education on the side effects. The Board asked if the vaccination information on the website was available in other languages besides English. Mr. Jenkins replied Google could translate the vaccination information on the website to many languages and the County had Spanish translators and used iPads to communicate with residents of other languages.

The Commissioners asked about residents not getting the second dose of the vaccination. Mr. Jenkins replied some residents concluded the first shot was enough vaccination and residents travelled out of the state to get the first vaccination and were not willing to travel for second shot. The Board asked if Community Health Workers would help with vaccination equity. Mr. Jenkins responded meeting and surveys were being done to determine if extra Community Health Workers were needed. The Board inquired about visiting jobs sites in Durham to provide vaccinations. Mr. Jenkins explained most job site employees were vaccinated and staff had recommended the vaccination was most needed in the local neighborhoods and communities.

The Board thanked Mr. Jenkins and the Public Health staff for dedicated work to save the Durham community and continuing to pivot to provide as many vaccinations and vaccination sites; adding for Mr. Jenkins to inform the Board of any additional support needed to improve vaccination equity.

## **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.

### Durham Community Safety and Wellness Task Force

**Andrea Hudson** (Allam, Burns, Howerton, Jacobs)

Nisha Williams (Carter)

### Nursing Home Community Advisory Committee

(i)**Lascal Webley, Jr.** (Allam, Burns, Carter, Howerton, Jacobs)

Vice-Chair Jacobs asked if Andrea Hudson would be able to attend and participate at the Durham Community and Wellness Task Force meeting on Wednesday, May 5, 2021. Monica Toomer Clerk to the Board responded Ms. Hudson would be able to attend and participate, although she would need to

take her oath to be able to vote at the meeting. Commissioner Burns asked if Ms. Hudson would be able to take her oath before the meeting. Ms. Toomer replied yes and she would have Tania De Los Santos, Senior Administrative Assistant to contact Ms. Hudson. Chair Howerton announced Commissioner Burns was the Board representative for the Durham Community Safety and Wellness Task Force.

## **Closed Session**

Chair Howerton stated the board was requested to adjourn to Closed Session for the following:

- 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 of proposed contract for the acquisition of real property by purchases, 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.143-3318.11(a)(5).
- 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. 143-318.11(a)(3).

Commissioner Allam moved, seconded by Commissioner Carter 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.

Commissioner Carter moved, seconded by Commissioner Allam for staff enter into a pre-litigation settlement matter between Neighbors Eatery Restaurant and Durham County in reference to termination of a lease agreement for 201 East Main Street in the settlement amount of \$19,622.25.

The motion carried unanimously.

Commissioner Carter moved, seconded by Vice-Chair Jacobs to authorize Attorney Darby to finalize a letter of engagement from Attorney Denise Smith Cline for the purpose of reviewing the Manager's contract and would include separate consultations with each individual Commissioner and to engage with the attorney in anything which flows out with regards to the contract.

Ayes: Commissioner Allam and Cater, Vice-Chair Jacobs

Nays: Commissioner Burns and Chair Howerton

The motion carried.

Chair Howerton stated the County Attorneys were able to interpret contracts and was a normal job function to handle contracts. She added to use taxpayers' dollars to carry out functions County staff could handle was not a good use of County funds and



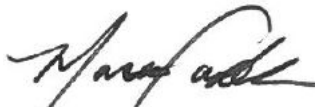
would be reasonable, equitable and a fair process to have the County Attorneys to review the Manger's contract.

## **Adjournment**

Commissioner Carter moved, seconded by Vice-Chair Jacobs to adjourn the Regular Session meeting at 9:30 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