

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

Monday, February 27, 2023

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 Nimasheena Burns and Heidi Carter

Presider: Chair Brenda Howerton

Hybrid: Commissioner Nida Allam

Closed Session – 6:00 PM

The Board requested to adjourn to Closed Session for the following:

- To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes (G.S.143- 318.11(a)(1).
- 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).

Vice Chair Jacobs moved, seconded by Commissioner Carter to adjourn into Closed Session.

The motion carried unanimously.

Reconvene to Open Session

Chair Howerton announced the Board met in Closed Session and provided direction to staff.

Regular Session – 7:00 PM

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. **The US Department of Health and Human Services (HHS)** announced this month that the federal Public Health Emergency (PHE) for COVID-19 will expire on May 11, 2023. COVID-19 remains a top public health priority, and we at DCoDPH will continue to provide vaccinations, monitor data, and provide other services to respond to the virus, but some changes can be expected as the federal government shifts from its PHE response operations. Below is more information about some of what will or will not be affected when the PHE expires in May.

What will not change:

1. COVID-19 vaccines will continue to be widely available, and we will continue to provide them here in our building (Note: Our clinic hours will change to be Mondays, Wednesdays, and Fridays only, 9:00AM-4:00PM, closed 12:00PM-1:00PM, beginning Wednesday, March 1)
2. Access to treatments, such as Paxlovid and Lagevrio, will be generally unaffected
3. Telehealth options covered by Medicare will remain in place through December 2024.

What may change:

1. Out-of-pocket expenses for COVID-19 vaccinations and treatments may change later this year, but vaccinations are expected to be covered by most private insurance plans without a co-pay. Medicaid will continue to cover vaccinations without a co-pay or cost sharing through September 2024 and will continue to cover all vaccines recommended by the Advisory Committee on immunization Practices thereafter.
 2. Some Medicare and Medicaid waivers provided during the pandemic will come to an end
 3. Insurance companies will no longer be required to cover the cost of COVID-19 tests, but some providers may continue to cover it
 4. Mandatory Medicaid coverage for COVID-19 testing will end September 30, 2024, after which coverage may vary by state.
 5. HHS will no longer require lab test reporting for COVID-19, which may affect reporting of negative test results and impact the ability to calculate percent positivity for COVID-19 tests. Hospital data reporting will continue through April 30, 2024. States are encouraged to continue sharing vaccination data.
2. **DCo Library Teen Book Festival** – The Durham County Library’s Teen Librarians present the 8th Annual DCo Library Teen Book Festival on Wednesday, March 8 from 5:30-7:30 p.m. Join our panel discussions and author workshops at Main Library (300 N. Roxboro St.) as local Teen and Young Adult authors discuss books, writing inspirations, and life! Authors include Robin Talley, Haelee Moone, Serena Kaylor, and Phillip Locey. Register at <https://durhamcountylibrary.libcal.com/event/9696230>.
 3. **Briggs Avenue Community Garden Wants You** – Come learn about gardening and growing your own food as a volunteer at the Briggs Avenue Community Garden. We teach families how to grow food for themselves! Extension staff meet on Friday and Saturday mornings beginning March 3 from 9 a.m. to 12 p.m. at 1314 S. Briggs Avenue. No RSVP needed. Just come ready to learn! More info at <https://durham.ces.ncsu.edu>.
 4. **Changes for FNS** – Families enrolled in Food and Nutrition Services (FNS) have gotten extra benefits each month since March 2020 or after due to the COVID-19 public health emergency. February 2023 is the last month you will get these extra benefits, called emergency allotments or maximum supplements. This is due to a federal change that will end emergency allotments for all

states as of March 2023. To find out more information on how this will impact you, visit <https://covid19.ncdhhs.gov/information/human-services/changes-food-and-nutrition-services>. Locally, residents may visit www.endhungerdurham.org to find food resources, including food pantries.

5. **2023-2024 – Durham Youth Leadership Fund** - Have an idea for a community-based project? The City of Durham Office on Youth is excited to announce the 2023-24 Durham Youth Leadership Fund (DYLF)! Young people (ages 13-24 years), community groups, and organizations are invited to apply for one-year grants ranging from \$500 - \$20,000! Apply by March 26, 2023 by visiting <https://www.durhamnc.gov/DocumentCenter/View/48889/DYLF2-Info-Sheet-ENG>
6. **Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Seeking Feedback** – the DCHC MPO seeks comment on Draft FY24 Project Swap Recommendation within the State Transportation Improvement Program. Public comments are received through March 7th and can be submitted directly to Kelly Fomenko at 919-560-4366 ext.36498 (kelly.formenko@dchcmpo.org) or via the online survey (<https://forms.office.com/pages/responsepage.aspx?id=hZL3FJh7H0mY9K5Z8fOB-14SnER5kc1IszboNOUYhgXUNkFQRIRMMlpWNk1TN1hRRkM3QkNGTktGTi4u>)
7. **The Battle in the Bull Career Expo** - Registration is now open for Durham’s 2023 BATTLE in the BULL Career Expo to be held on Thursday, March 30th from 10am-3pm at the Durham Convention Center. This Career Expo will feature area employers actively recruiting job seekers from all over North Carolina and more. Please register online by visiting <https://form.jotform.com/230303979514154>, the deadline for registration is March 9th.

Minutes

Vice Chair Jacobs moved, seconded by Commissioner Carter to approve the January 3, 2023 Work Session. January 23, 2023 Regular Session and February 6, 2023 Work Session minutes.

The motion carried unanimously.

Ceremonial Items

23-0149 Black History Month Recognitions

Corey Council, 10th grader at Riverside High School shared a personal poem in celebration of Black History Month. Michael Torian, 7th grader at Brogden Middle School shared his personal reflection to honor Black History Month. The two students represented the Thomas Mentor Leadership Academy.

The Board thanked the students for the poem and history lesson and also thanked Deborah Craig-Ray, Chief Information Officer for overseeing the item.

23-0078 Proclamation – Layne Riggs Day 2023

Vice Chair Jacobs read the following proclamation:

LAYNE RIGGS DAY | 2023

- WHEREAS,** Layne Riggs, son of Scott and Jai Riggs, was born on June 11, 2002, in the city of Bahama, North Carolina, and was born and raised in Durham County, North Carolina; and
- WHEREAS** Layne is a second-generation race car driver, following in his father Scott’s footsteps as he begins his journey through the ranks of NASCAR with aspirations of making it to the Cup Series; and
- WHEREAS** Layne won the 2022 NASCAR Advance Auto Parts Weekly Series National Championship at 20 years old, becoming the youngest National Champion in Weekly Series history; and
- WHEREAS** Layne started in 43 Weekly Series races in 2022, securing 16 victories, 30 top-five and 38 top-10 finishes, also winning the South Boston Speedway track championship; and
- WHEREAS,** Layne, during his pursuit of the Weekly Series Championship, also made his NASCAR Truck Series debut, starting in three races and securing his first top-10 finish; and
- WHEREAS,** Layne achieved all his motorsports accomplishments while balancing being a full-time student as he attended school in North Carolina for his undergraduate degree.

NOW THEREFORE, I, Brenda A. Howerton, Chair and on behalf of the Durham Board of County Commissioners do hereby proclaim March 3, 2023 as

“LAYNE RIGGS DAY”

in Durham County, North Carolina

This the 27th day of February, 2023

Brenda Howerton, Chair
Durham Board of County Commissioners

Layne Riggs, resident and NASCAR driver thanked the Board for the recognition, his race team, fans and family for their support. He stated he looked forward to getting back on the racetrack and representing the community.

The Board congratulated Mr. Riggs on his NASCAR accomplishments and Advance Auto Parts for supporting his race team.

23-0137 Proclamation – Women’s History Month

Chair Howerton read the following proclamation:

WOMEN’S HISTORY MONTH | 2023

Durham County honors the celebrated women leaders in our history, as well as our young women of distinction. We honor these outstanding women whose contributions to our County’s life, culture, history, economy, and families have shaped us and helped us fulfill the promises of Durham County.

- WHEREAS,** women have played and continue to play a critical economic, cultural, spiritual and social role in every sphere of the life of the City of Durham; and

WHEREAS, women have and continue to through their work, improve communities, families and individuals throughout Durham, the State of North Carolina; and our Nation; and

WHEREAS, women have paved the way for others in the fields of public policy, education, medicine, business, health, social justice, fashion and beauty, technology and solar energy; and

WHEREAS, we are proud of our County’s achievements in promoting women’s full participation in all aspects of life and firmly commit to supporting women’s continued advancement in Durham County.

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 March 2023 as

“WOMEN’S HISTORY MONTH”

in Durham County, North Carolina and furthermore supports the activities of the Aura Galleria also known as Aura Salon and Boutique on the 1st day of March in recognition of Women’s History Month.

This 27th day of February 2023.

Brenda Howerton, Chair
Durham Board of County Commissioners

Michelle Boyette Rouse, Our Minds, Our Voices Representative thanked the Board for recognizing Women’s History Month and invited the community to the Our Minds, Our Voices Women’s Exp and Awards Luncheon at the JB Duke Hotel on March 3rd at 11 a.m.

The Board thanked Ms. Rouse for supporting and uplifting women in the Durham community.

23-0139 Resolution – Honoring the Retirement of former Acting County Attorney Willie S. Darby
Commissioner Burns read the following resolution:

WILLIE S. DARBY

WHEREAS, Willie S. Darby grew up in Oxford, attended local schools and continued his education at North Carolina Central University, receiving his undergraduate degree in 1976 and earned his law degree from North Carolina Central University School of Law in 1979; and

WHEREAS, he managed his private practice prior to joining Durham County as an assistant county attorney from 1988 until his resignation in 1996; but happily Durham County lured him back into the County Attorney’s office for a second stint in 2015; and

WHEREAS, his break from Durham County also included an additional career in the ministry as he faithfully served as Senior Pastor of the Penn Avenue Baptist Church in Oxford; and

WHEREAS, during his outstanding service in the County Attorney’s Office, Attorney Darby earned the utmost respect of his staff, peers, and the Durham community for his thoughtful, kind and hard-working persona; and

WHEREAS, his enterprise-wide support to departments through the contract review process was crucial and most important in the operations of Durham County; and

WHEREAS, he worked tirelessly and diligently, providing legal support addressing a myriad of complex issues including:

- The Youth Home construction project which was initially quite contentious for a time

- Oversight and guidance with developing the Non-Discrimination Ordinance
- Liaison role with external attorneys on the Opioid Bellwether case
- Work on completing many Economic Development agreements allowing companies to come to and expand in Durham County

WHEREAS, Attorney Darby worked with Engineering on crafting the County’s contract for the Construction Manager @Risk Delivery Method of which is now Durham County’s standard for delivering major Capital Projects such as Affordable Housing, Admin I, Admin II, Main Library Construction Projects as examples; and

WHEREAS, while serving as the Attorney for General Services and the Stadium Authority, he accomplished many successes including:

- Drafting by-laws for operations of the Stadium Authority and initiating the group’s first retreat in 2015
- Assisting with a Naming Rights of Facilities Policy for the Board of Commissioners, which lead to the naming of the Stadium Field for Willie Bradshaw and the Press Box for Tommie Hunt
- Serving as General Services contracts Attorney and reviewing over 200 contracts per fiscal year

WHEREAS, during his outstanding service in the County Attorney’s Office, Attorney Darby earned the utmost respect of his staff, peers, and the Durham community for his thoughtful, kind and hard-working persona.

NOW, THEREFORE, BE IT RESOLVED, that we, the members of the Durham County Board of Commissioners do hereby doth hereby resolve to honor

WILLIE S. DARBY

For his collaborative and facilitative nature which made our lives easier when navigating complex legal matters. We call upon all citizens of Durham County to honor this innovative, gifted and hardworking County Attorney who made a difference across the spectrum of Durham County governance and operations.

BE IT FURTHER RESOLVED that we wish him much joy and happiness as he retires and commences a new journey in his life.

This the 27th day of February 2023.

Brenda Howerton, Chair

Wendy Jacobs, Vice-Chair

Nida Allam, Commissioner

Nimasheena Burns, Commissioner

Heidi Carter, Commissioner

Wille Darby, former Acting County Attorney thanked the Board for the recognition and his family for being understanding. He stated he would cherish his friendships and working relationships developed during his tenure at Durham County.

The Board congratulated Mr. Darby on his retirement and thanked him for his service to Durham County and the community.

23-0002 Retirement Resolution to Honor Bahama Volunteer Fire Chief Len Needham

Vice Chair Jacobs read the following resolution:

CHIEF ALLEN (LEN) NEEDHAM JR.

- WHEREAS,** Chief Allen (Len) H. Needham, Jr. is native of Durham County, NC, and a graduate of Northern High School; and
- WHEREAS,** Len joined the Bahama Volunteer Fire Department on January 14, 1980 and served until January 9, 2023. He served as Captain, Chief in 1986, and again as Chief from 1997-2023; and
- WHEREAS,** Chief Needham was instrumental in establishing the North Carolina Fallen Firefighters Foundation; and
- WHEREAS,** He unselfishly shared and committed his life in service of others, including:
 - President of the Piedmont Firefighters Association
 - President of the Southeastern Association of Fire Chiefs
 - President of the Durham County Fire Chiefs Association
 - Board of Directors for the NC Fallen Firefighters Foundation
 - Voted citizen of the year three (3) times by the Bahama Ruritan Club
 - Voted Fire Chief of the year by the NC Association of Fire Chiefs
- WHEREAS,** throughout his years of service, Len remained active in the Bahama community as a member of the Mount Bethel United Methodist Church as well being a founding member of the Cross Branded Cowboy Church; and
- WHEREAS,** Chief Needham responded to numerous disasters across North Carolina to assist other Fire Departments and communities during: Hurricane Floyd, Wildfires at Chimney Rock, Hurricane Florence, and Hurricane Matthew; and
- WHEREAS,** Len’s personal and professional impact has been invaluable to the Bahama Volunteer Fire Department, and he will be greatly missed by emergency services throughout Durham County and beyond.

NOW, THEREFORE, BE IT RESOLVED, that we, the members of the Durham County Board of Commissioners, do hereby resolve to honor and thank

CHIEF ALLEN (LEN) NEEDHAM JR.

for his unselfish dedication and service to Durham County. We call upon all residents of Durham County to recognize his tireless efforts as a firefighter for 43 years, as a staunch advocate for fire prevention, and as a leader who made a difference for the people of the Bahama community.

BE IT FURTHER RESOLVED that we wish him and his wife Cindy much peace and happiness in retirement as they commence a new journey in life together.

This the 27th day of February 2023.

Brenda Howerton, Chair

Wendy Jacobs, Vice-Chair

Nida Allam, Commissioner

Nimasheena Burns, Commissioner

Heidi Carter, Commissioner

Len Needham, Chief of the Bahama Volunteer Fire Department thanked the Board, his wife, the Board of Directors, and the community for their support. He added he would continue to be an active member of the Southeast Safety Board and educate residents on fire safety.

The Board thanked Mr. Needham for his service to Durham County and the Bahama Volunteer Fire Department.

23-0155 Resolution in Solidarity with Durham’s LGBTQ+ Community and in Support of Students’ Right to Informal Privacy

Commissioner Carter read the following resolution:

RESOLUTION IN SOLIDARITY WITH DURHAM’S LGBTQ+ COMMUNITY AND IN SUPPORT OF STUDENTS’ RIGHTS TO INFORMATIONAL PRIVACY

- WHEREAS,** hate crimes targeting LGBTQ+ (lesbian, gay, bisexual, transgender, & queer) people have increased every year for the past four years; and
- WHEREAS,** members of the LGBTQ+ community currently experience one of the highest rates of hate-motivated violence among all marginalized communities in the US; and
- WHEREAS,** mass shootings by domestic terrorists at LGBTQ+ gathering spaces such as Club Q and Pulse have created fear and trauma in LGBTQ+ communities across the country; and
- WHEREAS,** protests and demonstrations targeting drag shows and drag performers have increased dramatically over the last several years, with such protests being held in several locations in North Carolina; and
- WHEREAS,** there has been a sharp increase in anti-LGBTQ+ legislation in the US, with 233 anti-LGBTQ+ bills filed in state legislatures across the country in January of 2023 alone; and
- WHEREAS,** a copycat version of Florida’s “Don’t Say Gay” bill has been filed in the NC Senate this session (SB49) which would limit how schools could respond to students seeking advice and counseling around their gender identity, prohibit discussion of LGBTQ+ identity in most elementary school classrooms and require schools to tell parents if their child asks to use a different name or pronouns at school; and
- WHEREAS,** a bill has been filed in the NC House this session (HB43) that would prohibit gender-affirming healthcare including hormone treatment, puberty blockers, and surgery for people under 18; and
- WHEREAS,** political attacks and anti LGBTQ+ legislation have threatened access to healthcare, support systems, and affirming spaces at school for LGBTQ+ students, having a negative impact on their mental health; and
- WHEREAS,** access to safe, affirming spaces and gender-affirming healthcare is critical for the mental and physical health of LGBTQ+ people and teens in particular, who are four times more likely to consider suicide than their cisgender and heterosexual peers; and
- WHEREAS,** SB49 is a scheme said to promote parents’ rights when it is actually a politically motivated culture war about control and moves us backwards in terms of progress by banning open and honest discussions and sharing accurate information with children for whom it would be greatly beneficial;

NOW THEREFORE BE IT RESOLVED, that we, the Durham County Commissioners, affirm the full civil and human rights of **our** LGBTQ+ students and community members; and

BE IT FURTHER RESOLVED, that we condemn all violence, hatred, and discrimination against LGBTQ+ people; and

BE IT FINALLY RESOLVED, that we stand in opposition to HB43, SB49, and all legislation that erodes the safety, health, civil rights, and/or bodily autonomy of LGBTQ+ people, including minors.

This the 27th day of February 2023.

Brenda Howerton, Chair

Wendy Jacobs, Vice-Chair

Nida Allam, Commissioner

Nimasheena Burns, Commissioner

Heidi Carter, Commissioner

Natalie Watson, Interim Executive Director of the LGBTQ+ Center of Durham thanked the Board for the resolution and stated the importance and need for the resolution.

The Board thanked Ms. Watson for continued support from the LGBTQ+ community and thanked Commissioner Carter for the resolution. The Board stated the House Bills continued to be introduced with different numbers and was a diversion for defunding public schools and would keep school staff from connecting with children.

Consent Agenda

Chair Howerton asked the Board if they requested to pull or comment on any items on the Consent Agenda. Hearing none, Chair Howerton entertained a motion for approval.

Commissioner Burns moved, seconded by Commissioner Carter to approve the following items on the Consent Agenda.

The motion carried unanimously.

*23-0001 Capital Project Amendment No. 23PA00012 - Moving Existing Public School Building Capital Fund Lottery Funding Between Durham Public School Projects and Appropriating New Lottery Fund Funding to Various Existing and New Durham Public School Projects

23-0029 Resolution Delegating Authority to Approve Refunds of Overpaid Excise Taxes

23-0041 Durham County Sheriff’s Office Contract Amendment with Cornerstone Detention Products, Inc, in the Amount of \$160,077, and to Authorize the County Manager to Execute Any Other Amendments Not to Exceed a Project Cost of \$168,080

23-0043 Resolution in Support of Salary Increases for NC State Juvenile Facility Personnel

23-0047 Stormwater Operations Specialists, LLC Contract Amendment in the amount of \$13,050 increasing the total contract amount to \$112,150 for Sewer Easement Maintenance Services

23-0050 Vision NC, LLC Contract Amendment increasing the contract by \$25,000 to a total current contract amount of \$141,600 for Sewer Line Cleaning, Video, and Pump and Haul Services for the Durham County Utilities Division

23-0055 Request for Consent of Access to the North Carolina Department of Environmental Quality to allow its Division of Waste Management and Contractors Access to the 721 Foster Street Site

23-0056 Approval to Renew the County's Annual Contract with NWN to Continue the Usage of Varonis Cloud and Security Analytics Licenses in the amount of \$174,222.36

23-0057 Approval to Renew the County's Annual Enterprise Maintenance Contract with SAP in the amount of \$147,815.88 for the Continuation of SAP On-premises Licenses and Support Services

23-0058 Interlocal Agreement with the City of Durham for the Administration and Enforcement of Sediment and Erosion Control Requirements by Durham County within the City of Durham

23-0065 Amendment of two Chemical Purchase Contracts for the Triangle Wastewater Treatment Plant

23-0066 Meritech Inc. Contract Amendment in the amount of \$7,600 to a total current contract amount of \$109,500 for Laboratory Services for the Durham County Utilities Division

23-0069 Additional Funding for Contract with Teague Campbell Dennis & Gorham LLP

23-0071 Durham County Matching Grants Program - Approval of FY 2022-23 Grant Cycle

*23-0075 Capital Project Amendment No. 23CPA00016 Appropriating \$3,500,000 of PAYGO Funding to Create both the Board of Elections S. Roxboro Renovation Project (47302645DC155) and the Shoppes of Hope Valley Roofing and HVAC project (47302645DC156), as well as Authorize the County Manager to Execute a Contract for Architectural Design Services with RND Architects for both Projects

*23-0080 Budget Amendment No.23BCC0064 and Capital Project Amendment No.23CPA00015 appropriating \$2,079,600 of Sewer Utility Fund Fund Balance to the New Supervisory Control & Data Acquisition System (SCADA) Upgrade Capital Project (SE061); Budget Amendment No.23BCC00065 Appropriating \$15,000 of General Fund Fund Balance to the Rougemont Fund Center to Cover the Cost of Upgrading the Rougemont Supervisory Control and Data Acquisition System (SCADA); as well as Authorize the County Manager to Execute a Contract with CITI, Inc. for the Installation of the SCADA Upgrade Project in the amount of \$1,745,500 and Execute Any Related Contract Amendments Not to Exceed a Total Project Budget of \$2,094,600

*23-0081 Budget Amendment No.23BCC00063 and Capital Project Amendment No.23CPA00014 Appropriating \$590,436 of Sewer Utility Enterprise Fund Fund Balance and Transferring Those Funds to the New Triangle Wastewater Treatment Plant Access Control and Video Management System Capital Project (SE060); Awarding the Request for Proposal (RFP 23-006) Contract to Brady Integrated Security, Inc.; as well as Authorizing the County Manager to execute the contract in the amount of \$536,760 and execute any related contract amendments not to exceed a total project budget of \$590,436

23-0083 Interlocal Cooperation Agreement for the Division of Sales Tax Between the County of Durham and the City of Durham July 1, 2023 to June 30, 2024

23-0091 Approval of Interlocal Agreement with the City of Durham to Support the Bull City United Program

*23-0092 Budget Ordinance Amendment No. 23BCC00067 to Increase Expenditure and Revenue in the General Fund by \$150,000 and Approval of a Short Term Property Management Agreement with The Wood Group, LLC for the Shoppes of Hope Valley located at 3825 S. Roxboro St. Durham, NC 27707

23-0104 Juvenile Crime Prevention Council Appointment

23-0118 2022 Board of Adjustment Annual Report

23-0120 2022 Durham City-County Appearance Commission Annual Report

23-0121 2022 Durham Open Space and Trails Commissions Annual Report

23-0122 2022 Historic Preservation Commission Annual Report

23-0124 2022 Planning Commission Annual Report

*23-0140 Property Tax Releases and Refunds for January 2023

*23-0153 Capital Project Amendment No. 23CPA00018 - Appropriating \$193,921,011 in 2022 General Obligation Bond Funds for Multiple Durham Public School Capital Projects

Consent Agenda Item #23-0001

**Durham County, North Carolina
FY 2022-2023 Capital Project
Amendment Number 23CPA-12**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the FY 2022-23 budget ordinance is hereby amended to reflect budget adjustments.

Project #	Project Name	Current Budget	Increase / Decrease	Updated Budget
59105400SH301	Multiple Schools – Repair or Replace Cam	\$65,500.00	(\$65,500.00)	\$0.00
59105400SH308	George Watts & Holt Es – Replace Flooring	\$48,000.00	(\$48,000.00)	\$0.00
59105400SH307	Ges, Lr Es/Ms, Socs Ms./Hs – Replace Dish W	\$120,000.00	(\$31,814.66)	\$88,185.34
59105400SH306	Holt & Hillside Hs – Replace hot Water Sys	\$45,000.00	(\$21,970.82)	\$23,029.18
59105400SH304	Merrick-Moore Es – Replace Kitchen Ceiling	\$10,000.00	(\$10,000.00)	\$0.00
59105400SH303	Mes, Lgms, Socs – Safety System Upgrades	\$67,000.00	(\$4,273.79)	\$62,726.21
59105400SH309	Durham School of The Arts – Replace Coolin	\$105,000.00	(\$1,441.63)	\$103,558.37
59105400SH310	City of Medicine Academy – Repair Entrance	\$10,000.00	(\$948.00)	\$9,052.00
59105400SH315	Middle School Restroom Upfits (Brogden & Githens)	\$0.00	\$30,000.00	\$30,000.00
59105400SH289	Little River Es – Roof Replacement	\$1,840,631.32	\$600,000.00	\$2,440,631.32

59105400SH305	K-5 Schools Replace Playground Equipment	\$860,000.00	\$1,129,948.90	\$1,989,948.90
59105400SH316	Asphalt Repair Project	\$0.00	\$2,480,000.00	\$2,480,000.00

All capital projects in conflict herewith are hereby repealed.

Approved February 27, 2023

Consent Agenda Item #23-0075

**Durham County, North Carolina
FY 2022-2023 Capital Project
Amendment Number 23CPA00016**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:
That the FY 2022-23 budget ordinance is hereby amended to reflect budget adjustments.

Project #	Project Name	Current Budget	Increase / Decrease	Updated Budget
47302635DC156	Shoppes of Hope Valley Roofing and HVAC Project – Phase 2	\$0.00	\$400,000.00	\$400,000.00
47302635DC155	BOE S. Roxboro Renovation Project - Phase 1a & 1b	\$0.00	\$3,100,000.00	\$3,100,000.00

All capital projects in conflict herewith are hereby repealed.

Approved February 27, 2023

Consent Agenda Item #23-0080

**Durham County, North Carolina
2022-2023 Budget Ordinance
Amendment Number 23BCC00064**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2022-2023 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>			
General Government	\$2,190,246.00	\$2,079,600.00	\$4,269,846.00
<u>Revenue</u>			
Other Financing Sources	\$2,068,394.75	\$2,079,600.00	\$4,147,994.75

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

Approved February 27, 2023

**Durham County, North Carolina
2022-2023 Budget Ordinance
Amendment Number 23BCC00065**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2022-2023 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>
GENERAL FUND			
<u>Expenditure</u>			
Environmental Protection	\$5,633,838.55	\$15,000.00	\$5,648,838.55
<u>Revenue</u>			
Other Financing Sources	\$71,523,200.59	\$15,000.00	\$71,538,200.59

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

Approved February 27, 2023

**Durham County, North Carolina
FY 2022-2023 Capital Project
Amendment Number 23CPA-15**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the FY 2022-23 budget ordinance is hereby amended to reflect budget adjustments.

Project #	Project Name	Current Budget	Increase / Decrease	Updated Budget
71006011SE061	Supervisory Control & Data Acquisition System (SCADA) Upgrade	\$0.00	\$2,079,600.00	\$2,079,600.00

All capital projects in conflict herewith are hereby repealed.

Approved February 27, 2023

Consent Agenda Item #23-0081

**Durham County, North Carolina
2022-2023 Budget Ordinance
Amendment Number 23BCC00063**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2022-2023 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>
GENERAL FUND			
<u>Expenditure</u>			
General Government	\$1,599,810.00	\$590,436.00	\$2,190,246.00
<u>Revenue</u>			
Other Financing Sources	\$1,477,958.75	\$590,436.00	\$2,068,394.75

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

Approved February 27, 2023

**Durham County, North Carolina
FY 2022-2023 Capital Project
Amendment Number 23CPA-14**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the FY 2022-23 budget ordinance is hereby amended to reflect budget adjustments.

Project #	Project Name	Current Budget	Increase / Decrease	Updated Budget
71006011SE060	TWWTP Access Control and Video Management System	\$0.00	\$590,436.00	\$590,436.00

All capital projects in conflict herewith are hereby repealed.

Approved February 27, 2023

Consent Agenda Item #23-0092

**Durham County, North Carolina
2022-2023 Budget Ordinance
Amendment Number 23BCC00067**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2022-2023 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>
GENERAL FUND			
<u>Expenditure</u>			
Environmental Protection	\$5,648,838.55	\$150,000.00	\$5,798,838.55
<u>Revenue</u>			
Rental Income	\$133,316.00	\$150,000.00	\$283,316.00

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

Approved February 27, 2023

Consent Agenda Item #23-0140

Releases and Refunds – January 2023 (2022 Tax Rate Year)

	<u>Releases</u>	<u>Refunds</u>	
Personal Property	\$ 0.00	\$ 0.00	
Real Property	\$ 285,084.51	\$ 0.00	
Motor Vehicle	\$ 0.00	\$ 127.46	
Solid Waste	\$ 332.00	\$ 0.00	
SUB - TOTAL	\$ 285,416.51	\$ 127.46	\$ 285,543.97

<u>Current Year 2022 Taxes</u>	<u>Releases</u>	<u>Refunds</u>	
Real Property	\$ 56,740.78	\$ 464,473.37	
Personal Property	\$ 7,923.53	\$ 276,015.38	
Motor Vehicle	\$ 0.00	\$ 0.00	
Solid Waste	\$ 0.00	\$ 0.00	
Stormwater Utility	\$ 0.00	\$ 0.00	
Public Service	\$ 0.00	\$ 1,521.85	
VTS Refunds	\$ 0.00	\$ 0.00	
SUB - TOTAL	\$ 64,664.31	\$ 742,010.60	\$ 806,674.91

<u>Prior Year 2016-2021</u>	<u>Releases</u>	<u>Refunds</u>	
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Real Property	\$ 27,300.06	\$ 30,224.74	
Personal Property	\$ 807.48	\$ 0.00	
GAP Vehicles	\$ 0.00	\$ 4,539.63	
Motor Vehicle	\$ 0.00	\$ 0.00	
Solid Waste	\$ 0.00	\$ 0.00	
Stormwater Utility	\$ 0.00	\$ 0.00	
VTS Refunds	\$ 0.00	\$ 0.00	
SUB - TOTAL	\$ 28,107.54	\$ 34,764.37	\$ 62,871.91

GRAND TOTAL	\$ 378,188.36	\$ 776,902.43	\$ 1,155,090.79
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Consent Agenda Item #23-0153

**Durham County, North Carolina
FY 2022-2023 Capital Project
Amendment Number 23CPA-18**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:
That the FY 2022-23 budget ordinance is hereby amended to reflect budget adjustments.

Project #	Project Name	Current Budget	Increase / Decrease	Updated Budget
59105400SH298	Mangum Elementary Renovation	\$736,978.38	\$69,202.62	\$806,181.00
59105400SH296	Club Blvd Elementary Renovation	\$1,149,062.98	\$401,687.02	\$1,550,750.00
59105400SH295	Bethesda Elementary Renovation	\$1,748,138.50	\$720,732.50	\$2,468,871.00
59105400SH297	Morehead Elementary Renovation	\$997,130.68	\$822,419.62	\$1,819,550.30
59105400SH294	Holt Elementary Renovation	\$2,635,219.08	\$947,929.96	\$3,583,149.04
59105400SH317	Construction Services and Administration	\$0.00	\$13,914,538.00	\$13,914,538.00
59105400SH299	Dsa Additions & Major Renovations	\$7,793,772.90	\$46,626,954.00	\$54,420,726.90
59105400SH293	Glenn Elementary Renovation	\$2,053,855.98	\$57,421,327.00	\$59,475,182.98
59105400SH292	Elementary School F – New – Murray-Massenburg	\$10,128,805.27	\$72,996,220.00	\$83,125,025.27

All capital projects in conflict herewith are hereby repealed.

Approved February 27, 2023

Public Hearings

23-0119 Public Hearing to Consider Awarding Funds to Kempower Inc. for Project Fast

Matthew Filter, Economic Development Manager stated the Board was requested to hold a public hearing to consider awarding a total of \$290,000 to Kempower Inc. for Project Fast and to authorize the County Manager to negotiate and execute a performance agreement with Kempower Inc. for Project Fast. He added the project would establish an advanced manufacturing and distribution facility in Durham County, creating 601 jobs and investing \$41,250,000 over five years.

The Board asked how staff would connect with Durham Public Schools (DPS) to ensure commitments are fulfilled. Mr. Filter responded staff and DPS would use existing relationships to communicate and oversee commitments. The Board acknowledged the Memorandum of Understanding (MOU) with Kempower and Durham Technical Community College (DTCC) to create a certified pathway and asked

if Kempower would be willing to create a MOU with DPS. Mr. Filter replied the MOU was created by DTCC and could ask Kempower to consider a MOU with DPS. The Board inquired about the application to exceed \$15 an hour. Mr. Filter responded Kempower would exceed the \$15 an hour minimum salary in Durham with a median salary around \$50,000 to \$70,000.

Chair Howerton opened the public hearing and with no one signed up to speak, Chair Howerton closed the public hearing.

Commissioner Burns moved, seconded by Commissioner Carter to approve awarding a total of \$290,000 to Project Fast and to authorize the County Manager to negotiate and execute a performance agreement with Project Fast.

The motion carried unanimously.

23-0119 Public Hearing - A Request to Permanently Close a 954 Linear Foot Portion of Hinesley Drive, a 957 Linear Foot Portion of Meridian Street, and a 960 Linear Foot Portion of Pollard Avenue

Leigha Larkins, City-County Planner stated the Board was requested to conduct a public hearing and receive public comments on the request to approve the permanent closing of a 954 linear foot portion of Hinesley Drive, a 957 linear foot portion of Meridian Street, and a 960 linear foot portion of Pollard Avenue, which are not maintained by the North Carolina Department of Transportation.

The Board inquired about the Duke Energy easement. Ms. Larkins replied the easement was discussed with the applicant after Duke Energy reviewed the plan and asked for the easement to provide service to adjacent properties. She added staff recommended the easement and the applicant agreed.

Chair Howerton opened the public hearing.

Nil Ghosh, Associate with Morningstar Law Group

Mr. Ghosh stated he was representing the applicant and the applicant agreed to an easement for Duke Energy.

Chair Howerton closed the public hearing.

Commissioner Burns moved, seconded by Vice Chair Jacobs to approve the Order to permanently close a 954 linear foot portion of Hinesley Drive, a 957 linear foot portion of Meridian Street, and a 960 linear foot portion of Pollard Avenue and proffer for Duke Energy easement.

The motion carried unanimously.

23-0129 Public Hearing - Unified Development Ordinance Text Amendment, Sedimentation and Erosion Control (TC2200005)

Sarah Young, Planning Director stated the Board was requested to conduct a public hearing and receive public comments on the Unified Development Ordinance Text Amendment, Sedimentation and Erosion Control (TC2200005).

The Board asked about a Planning Commission member's question referencing enforcement to ensure compliance and education for developers. Ms. Young responded the amendment would allow staff to change enforcement checks from every six weeks to every four weeks. The Board inquired about the

Stop Work Orders. Ryan Eaves, Durham County Stormwater and Erosion Control Division Manager stated the orders would allow for a site to stop everything and refocus on erosion control when not in compliance. The Board inquired about the impact of the Fall Lake watershed going downstream and asked if citizen concerns were addressed. Mr. Eaves responded no specific concerns were about settlement – the focus was on nutrients and bacteria; with regard to citizen concerns, the amendment would help address those.

Chair Howerton opened the public hearing.

Pamela Andrews, Citizen

Ms. Andrews stated a Comprehensive Impact Study was needed and hoped the amendment would help protect creeks, streams and watersheds.

Thomas Freeman, Citizen

Mr. Freeman stated Durham County was included in the Deep River Triassic basin and the management tools were not working effectively to protect South Durham.

Rebecca Freeman, Citizen

Ms. Freeman stated she was concerned about the water quality and watershed, although she supported the added protection and limitations in the amendment.

Chair Howerton closed the public hearing.

First Motion:

Vice Chair Jacobs moved, seconded by Commissioner Burns to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 12, Infrastructure and Public Improvements; and Article 15, Enforcement.

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.

Other Business

23-0117 Adoption of Initial Resolution related to Not to Exceed \$235,000,000 Limited Obligation Bonds, Series 2023A & 2023B and Calling a Public Hearing thereon

Susan Tezai, Chief Financial Officer stated the resolution would direct her to submit an application to the North Carolina Local Government Commission (LGC), hire a financing team and call a public hearing on the delivery of a contract amendment and the related projects to be financed and refinanced thereby.

The Board asked if the resolution was adopted, would the County increase the amount of debt to include the purchase of the Shoppes of Hope Valley. Ms. Tezai replied yes; adding it would also include \$33 million dollars for the final phase of Northern High School. The Board asked staff to confirm the public hearing date. Ms. Tezai responded the public hearing would be held on March 13, 2023.

Commissioner Burns moved, seconded by Vice Chair Jacobs for the Board to approve the resolution, hire the financing team as identified in the resolution and call a public hearing for March 13, 2023.

The motion carried unanimously.

Board and Commission Appointments

Al Andrews, 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.

Adult Care Home Community Advisory Committee

Tiketha Collins (Allam, Burns, Carter, Howerton, Jacobs)

Board of Health

Darryl Glover (Allam, Burns, Carter, Howerton, Jacobs)

City-County Appearance Commission

Liz Gage (Allam, Burns, Carter, Howerton, Jacobs)

Durham Open Space and Trails Commission

Jeffrey Bakalchuck (Allam, Burns, Carter, Howerton, Jacobs)

Historic Preservation Commission

Deborah Greene (Allam, Burns, Carter, Howerton, Jacobs)

Michael Vampran (Allam, Burns, Carter, Howerton, Jacobs)

Juvenile Crime Prevention Council

LiBria Stephens (Allam, Burns, Carter, Howerton, Jacobs)

Library Board of Trustees

Carl Newman (Allam, Carter, Howerton Jacobs)

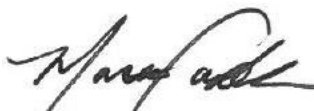
Aquaris Anderson (Burns)

Adjournment

Commissioner Carter moved, seconded by Commissioner Burns to adjourn the Regular Session meeting at 9:36 p.m.

The motion carried unanimously.

Respectfully Submitted,



Macio Carlton
Deputy Clerk to the Board