

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

Tuesday, September 5, 2023

9:00 A.M. Work Session

MINUTES

Place: Commissioners' Chambers, second floor, Durham County Government
Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chair Brenda Howerton, Vice-Chair Wendy Jacobs, and Commissioners Nida Allam, Commissioner Nimasheena Burns and Heidi Carter

Presider: Chair Brenda Howerton

Citizen Comments

The Board of County Commissioners provided a 30-minute comment period to allow Durham County citizens an opportunity to speak. Citizens were given the option to deliver their Citizen Comments in-person or virtually via email to the Clerk no later than Monday, September 4th at 12 noon.

Clerk to the Board Monica Wallace announced that no one was signed up to speak in-person, no emails were received, and no virtual attendees used the "raised hand" feature to speak through the video call.

Consent Agenda

The Board was requested to review the following Consent Agenda items for the September Regular Sessions.

23-0601 Authorization for the County Manager to Execute the Contract Amendment with EMS Technology Solutions, LLC Operative IQ Not to Exceed \$46,020.00

Jim Groves, OES Director, clarified Operative IQ was not a new system, however this was a one-time ongoing contract to add fleet maintenance, inventory tracking and timing of staff in the system. He added the fleet module ran parallel to the General Services system and would diagnose fleet remotely before entering the shop.

23-0602 Budget Ordinance Amendment No. 24BCC00019 Transferring \$1,008,044 Within the General Fund from the Public Safety Functional Area to the General Government Functional Area for Ongoing Durham County Detention Center Maintenance Needs

Motiryo Keambiroiro, Director General Services, stated General Services normally performed routine maintenance for the detention center and this was a technical adjustment.

23-0603 Approval of a \$480,395.72 Contract (RFP 23-039) with Farmer Foodshare to be Fiscal Sponsor for Durham County Double Bucks Program

Mary Oxendine, County Food Security Coordinator, clarified the Double Bucks program was previously funded through a grant and matched dollars for SNAP recipients at the local Farmer's Market. She added there was potential to create a Co-op and work was done with Durham Public Schools to bring healthy food to students.

23-0615 Request to Enter into Contract with Comfort Mechanical Contractors in the amount of \$421,900.00 for the Replacement of Sanyo HVAC Split system at Durham County Health and Human Services Facility

Ms. Keambiroiro clarified the split systems were 13 years old and the systems would come with a warranty of one (1) year.

23-0621 Budget Ordinance Amendment No. 24BCC00025 Public Health to Recognize \$420,614 from the NC DHHS Division of Public Health Epidemiology/ Communicable Disease Branch to Build Upon existing Epidemiology and Laboratory Capacity Infrastructure

Discussion was held regarding testing, funding, and booster eligibility around COVID. Rodney Jenkins, Public Health Director, informed the Board there was an increase in COVID levels, but not enough to warrant a mask mandate. He added there was routine funding available for COVID testing and boosters were widely available through primary care doctors, hospitals, and public health departments with no specific parameters.

Additionally, the Board was informed that boosters should be received on an annual basis in conjunction with flu shots.

23-0626 Budget Ordinance Amendment No. 24BCC00021 Public Health to Recognize \$14,220 from the NC DHHS Division of Public Health Epidemiology/Communicable Disease Branch for STD Service Needs

Rodney Jenkins, Public Health Director stated updated data on HIV/AIDS in North Carolina would be presented at a future Work Session meeting.

Directive:

- **Staff to provide updated data on HIV/AIDS at a future Work Session meeting.**

23-0659 Approval of a Letter of Support for the Durham to Roxboro Rail Trail Planning Study Grant Application

Ellen Beckmann, Transportation Director, informed the Board there was a total of 26 miles of Rail Trail with 18 miles in Durham County and eight (8) miles in Person County. The trail could be used for work and recreation uses with safety measures taken into consideration. She added a letter of support was sent to a plethora of organizations and would reach out to State and Federal Representatives.

23-0665 Approval of Easement Agreement, Legal Description, and Dedication Plat with City of Durham for a Required Sidewalk Easement Necessary for the 300 E. Main St. Mixed-Use Development Project

Peri Manns, Deputy Director of EE&S, stated the City would not impede the construction and two (2) additional bus stops would be added – one (1) on Liberty Street and one (1) on Main Street. He added framing on the project would commence by the end of September.

23-0675 Approval of Thirumala Restaurant Lease Amendment

Nancy Mitchell, Senior Real Estate Officer, clarified the restaurant was expected to open in March 2024.

There were no questions regarding the items below:

23-0581 Approval of the MMCAP Infuse cooperative agreement to purchase pharmaceutical supplies and medications from Cardinal Health in an amount not to exceed \$325,000.00.

23-0605 Approval of the Resolution titled North Carolina State Department of Transportation Request for Addition to State Maintained Secondary Road System

23-0622 Budget Ordinance Amendment No. 24BCC00024 Public Health to Recognize \$461,250 from the NC DHHS Division of Public Health Epidemiology/ Communicable Disease Branch to Expand Communicable Disease Surveillance, Detection, Control, and Prevention Activities

23-0623 Budget Ordinance Amendment No. 24BCC00023 Public Health to Recognize \$98,702 from the NC DHHS Division of Public Health Epidemiology Section /Communicable Disease Branch to Approve Creation of 2 Full-Time Communicable Disease Control Specialist I Positions (2 FTE's)

23-0625 Budget Ordinance Amendment No. 24BCC00022 Public Health to Recognize \$1,857 from the NC DHHS Division of Public Health Epidemiology Section/Communicable Disease Branch to Provide Funding to Counties to Enhance Latent Tuberculosis (TB) infection and Active TB Disease Screening and Treatment

23-0641 Requesting the Board to authorize the County Manager to sign and execute the Board of Elections FY23-24 service contract with Coastal Carrier in the amount of \$60,000

23-0645 Approve Budget Amendment No.24BCC00026 and Capital Project Amendment No.24CPA00004 appropriating \$1,263,635 of Fund Balance from the Sewer Utility Fund to Create the New TWWTP Rehabilitation and Upgrade Capital Project (SE063); as well as Approve the County Manager to Execute a Contract with Hazen and Sawyer for the Professional Engineering Services for the TWWTP Rehabilitation and Upgrade Project in the amount of \$1,053,026 and Execute Any Related Contract Amendments Not to Exceed a Total Project Budget of \$1,263,635

23-0646 Approve the County Manager to sign the Local Assistance for Stormwater Infrastructure Investments (ARPA) Acceptance Resolution to receive \$400,000 from the State of North Carolina Division of Water Infrastructure for the Whispering Pines Stream Restoration project.

23-0661 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

Discussion Items

23-0658 23-0658 Unified Development Ordinance Text Amendment Regarding Phased Development and Tree Preservation (TC2200004)

The Board was requested to review and consider revisions to the Unified Development Ordinance (UDO) Text Amendment, Phased Development and Tree Preservation (TC2200004). The text amendment revisions would be considered at a public hearing before the Board of Commissioners in September. The motions would be as follows:

Motion 1: To adopt an ordinance amending the Durham Unified Development Ordinance, incorporating revisions to Article 7, Design Standards; Article 8, Environmental Protection; Article 9, Landscaping and Buffering; and Article 13, Additional Requirements for Subdivisions, effective October 1, 2023; and

Motion 2: To adopt the appropriate consistency statement as required per NCGS § 160D-605.

Robin Schultze, ISA, Senior Planner/Arborist, shared the expanded buffer changes were applied to boundaries around residential projects and pertained to all tiers due to the amount of feedback provided around the urban tiers. He continued to say buffers were enforced by the County Erosion staff and was unsure if staffing would increase due to the changes.

Sara Young, AICP, Planning Director, answered questions pertaining to the impact on conservation subdivisions and if the County was limited by law on the regulation of buffers. She stated the UDO was worded to include constructive buffer, which explained the capacity of vegetation in subdivisions. Ms. Young continued to say the County was not limited by law to the regulations on buffers of trees planted; however, further discussion could continue to determine if this could be included in the rewrite of the UDO.

Vice-Chair Jacobs highly recommended the UDO Text Amendment be approved by the City Council. She added the County would not vote on the item until a later date and requested affordable housing language.

Ms. Young informed the Board the City Council would vote on the UDO at their September 5, 2023 Council meeting.

Directive:

- **Staff to provide affordable housing language in new Comprehensive Plan.**

23-0638 Durham Open Space and Trails Interlocal Agreement Update

In 1993 the Durham City Council and the Durham County Board of Commissioners approved an Interlocal Agreement to establish the Durham Open Space and Trails Commission (DOST). This agreement was most recently reauthorized in 2010. Several changes were proposed including,

but not limited to, clarifying the role of City Council and Board of County Commissioner liaisons to the DOST and removing the ability of DOST to self-appoint voting members to the Commission and its various committees.

Discussion was held on which members would be removed from DOST and if a stipend was created for members. Carl Kolosa, AICP, Senior Planner stated the board would decrease from 30 members to a maximum of 17, with the removal of ten (10) self-appointed members, three (3) City and County Representatives and one (1) Planning Commissioner position. He added a stipend of \$50 was given to members of DOST who opted in.

23-0652 Presentation of the Low-Income Homeowners Tax Relief Program and Emergency Rental Assistance Program (ERAP) by Durham County Department of Social Services

Durham Social Services (DSS) staff provided informational presentations on the Low-Income Homeowners Tax Relief Program and the Emergency Rental Assistance Program.

The DSS Board voted unanimously on May 19, 2021, to adopt a resolution to approve the Tax program and to work collaboratively with the City with the implementation of this program particularly with respect to shared funding for the cost of administration. The DSS Board updated the eligibility guidelines for the program and provided an update on the program outcomes and outreach plans for FY24.

Lee Little, Interim Assistant Director, shared work was conducted with Duke and community stakeholders for engagement based on income for the month to ensure needs were met to reach all needed parties. He continued to say outreach was held starting at the ground, with efforts to reach – *faith-based centers, community centers, flyers being placed in tax bills, social media outlets and the DSS website*. Mr. Little added DSS would work with the tax office should any issues arise with the program around funding.

The Board inquired on who could apply for homeowner’s tax relief and asked for a presentation around programs targeted towards seniors. Mr. Little expressed all residents could apply regardless of zip code and age, as long as citizens were Durham residents.

Meghan Russ, Program Manager-Aging and Adult Services provided an update on the current spending and trends which impacted housing stability. She confirmed housing assistance/stability programs were not DSS mandated programs; however, members of the community and community partners relied heavily on the financial assistance provided by DSS to avoid evictions as well as providing security deposit financial assistance to the homeless population.

Ms. Russ informed the Board that \$180,000 was allocated for eviction diversion and the budget for the Opening Doors program was \$66,000 due to a shift of funding.

Kelly Inman, Chief Operations Officer, clarified ERAP provided one-time assistance to citizens over multiple months, and they could apply again as long as their 18 months were not used up.

The Board requested data on the number of citizens the City helped with ERAP funds and a status report before the next Joint City-County meeting. Mr. Little added the trend in applications showed requested funds grew over the years and were closer to \$8,000-\$9,000.

Directive:

- **Staff to provide presentations around programs targeted towards seniors.**
- **Staff to provide the number of citizens the City helped and a status report of the ERAP program.**

23-0660 Adverse Childhood Experiences and Resilience Update and Presentation

The Board was requested to receive a presentation from the Adverse Childhood Experiences and Resilience Coordinator.

The Adverse Childhood Experiences and Resilience Coordinator supported the activities of the Durham Adverse Childhood Experiences and Resilience Taskforce (DART), provided training and technical assistance to increase awareness of ACEs, resilience, and trauma-informed care, and worked to increase trauma-informed care within the Durham County Department of Public Health (DCoDPH). DART was established in 2017 to support coordination of efforts to reduce ACEs and support access to trauma-informed care.

Jess Bousquette, MPH, Adverse Childhood Experiences and Resilience Coordinator, held a discussion on training for adverse childhood experiences. Community resilience model training would be ongoing to provide individuals with the opportunity to practice and enhance their skills. She continued to say partnerships with Durham Public Schools Foundation were created and a grant was secured from Atlanta, GA to determine the next steps.

Ms. Bousquette added a pilot program was created at Durham County Public Health to assist with the reduction of trauma-based kids and a symposium would be held to train health-care providers in trauma informed care in November 2023.

Lindsay Bock, MPH, Director of Health Education and Community Transformation, shared a presentation on the Opioid Crisis in Durham County. She highlighted opioids were highly addictive and fentanyl usage greatly increased the chances of overdose. Ms. Bock stated opioid overdose deaths were preventable with continued community education, faith-based mini conferences, and recovery-friendly workplace webinars.

Jeff Jenkins, Medical Director, DSS, confirmed Xylazine was a drug used for sedation/anesthesia for animals, however members of the community were abusing the drug for recreational purposes. He added Naloxone vending machines were established to help combat the increase of overdoses and would help members of the community receive access quicker and easier.

Vice-Chair Jacobs requested staff to return with a budget, information on how work would be done with the harm reduction coalition and information on how street drugs could be tested.

Directive:

- **Public Health staff to return with a budget, information on how work would be done with the harm reduction coalition and information on how street drugs could be tested.**

23-0530 FY2023 Farmland Protection Advisory Board (FPAB) Annual Report

The Board was requested to receive an update from the Farmland Protection Advisory Board (FPAB). Durham County's beginning financial basis was agriculture. Over the years, agriculture in Durham grew to include not only traditional farms but urban, innovative farming.

The Annual Report highlighted the past year's accomplishments and the implementation of the FPAB's goals for all of Durham agriculture. Two key programs administered through the FPAB were vital to the preservation and recognition of farmland in Durham: *The Farmland Protection Program and the Voluntary Ag District Program*. A representative from the FPAB served on the Ag Economic Development Grant Program Committee. Active roles played by the FPAB in these programs as well as educational outreach allowed agricultural vitality in Durham now and for the future.

This item was moved to the consent agenda for approval at the September 11, 2023 Regular Session.

Vice-Chair Jacobs requested an evaluation for the proposed future place-type map and the urban growth boundary for any potential negative impacts to farmland and the volunteer agriculture districts.

Directive:

- **Staff to provide evaluation for proposed place-type map and the urban growth boundary for any potential negative impacts to farmland and the volunteer agriculture districts.**

23-0642 Presentation on Durham County's FY 2025-2029 Strategic Planning Process and Overview of the Office of Strategy and Performance

The Board was requested to receive an introduction to the planning process for the FY 2025-2029 Strategic Plan and the recently renamed Office of Strategy and Performance. The County was without a revised Strategic Plan for more than 12 months. This presentation outlined the work completed and the process and timeline moving forward.

Josh Edwards, Director of Strategy and Performance, held a discussion on the strategic draft plan being sponsored by the County Manager to lead their focus area for FY 2025-2029. The main focus areas were: *Regional Leadership, High Performance Organization, Community Empowerment, Community Infrastructure and Advancement, Safe and Resilient Community, and Healthy and Inclusive Community*. A new framework was created due to feedback received during department head meetings and a new plan would garner higher acceptance from employees. He continued to say the determining factors for the focus areas depended on what each department wanted to achieve.

Shannon Trapp, Chief of Staff added once a consultant was hired, feedback from the Board and leadership teams would be received individually and collectively with all ideas being taken into consideration.

23-0663 Presentation from Naming Committee on Request to Name the Carl D. Hodges Conference Room in the County Agricultural Building to Honor First African American Extension Director in Durham County, the State of North Carolina, and the United States

The Board was requested to receive a brief update from the Durham County Naming Committee on the request for Carl D. Hodges, first African American Extension Director in Durham County, in the state of North Carolina, and in the United States.

Carl D. Hodges was the first black extension agent in Durham to have a regular radio program and newspaper column. He was a newspaper columnist for the Herald-Sun/Durham Morning Herald where he wrote the popular educational column, *Durham County Farm Corner*, where he educated farmers, landowners, homeowners, and the general public about research-based information and Extension events, including 4-H Youth. In addition, he was frequently interviewed for his agricultural expertise. Following the recommendations - a public hearing and request for final approval would be scheduled for September 11, 2023.

Shannon Trapp, Chief of Staff, confirmed that the committee recommended option two (2), which was the left wall at the entrance of the conference room for the placement of the plaque.

23-0669 ARPA Update

The Board was requested to receive an update on the American Rescue Plan Act (ARPA) funds. The American Rescue Plan delivered \$350 billion for state, local, territorial, and Tribal governments to respond to the COVID-19 emergency. Durham County received \$62,445,275. ARPA funds supported several priorities including a public health response due to COVID-19, addressed negative economic impacts, replaced public sector revenue loss, and funded premium pay for essential workers. Funding use also addressed water, sewer, and broadband infrastructure and other priorities as identified in the US Treasury Final rule. Funding must be encumbered by 2024, with all invoices paid by 2026.

Reginald Johnson, Director of Community Development with the City of Durham answered questions pertaining to the length of restrictions for affordable housing, the amount of units represented and the projected area median income (AMI). He stated the agreement was for 30 years for the length of restrictions on affordable housing and the housing developments would house 84 units, with 20 units at 30% AMI and the remainder at 70%. Mr. Johnson added an additional presentation could be shared to show all units for affordable housing and the length of restrictions.

Directive:

- **Reginald Johnson to email presentation on all units in affordable housing and the length of restrictions.**

23-0674 Board Discussion and Vote on the Durham Technical Community College (DTCC) Board of Trustees Appointment

The Board was requested to discuss the citizen appointment to the Durham Technical Community College Board of Trustees and suspend the rules to vote.

Commissioner Burns moved, seconded by Commissioner Carter, to suspend the rules.

The motion carried unanimously.

Commissioner Burns moved, seconded by Vice-Chair Jacobs, to approve this DTCC appointment for two (2) years instead of four (4) years and appoint Tara Fikes to the DTCC Board of Trustees for two (2) years.

23-0673 Commissioner Comments

The Board was requested to allow each Commissioner six (6) minutes to report on conferences or make comments regarding issues that may be of interest or concern to the Board.

There were no comments.

23-0643 Closed Session

The Board was requested to adjourn into Closed Session 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 Carter moved, seconded by Vice-Chair Jacobs to go into Closed Session.

The motion carried unanimously.

Reconvene to Open Session

Chair Howerton stated the Board met in closed session and provided directions to staff.

Commissioner Burns moved, seconded by Commissioner Allam to reconvene to Open Session.

The motion carried unanimously.

Adjournment

Vice-Chair Jacobs moved, seconded by Commissioner Carter, to adjourn the meeting.

The motion carried unanimously.

The meeting was adjourned at 3:26 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sk. Wardrick', with a stylized flourish at the end.

Shaunecie Wardrick
Administrative Assistant