THE BOARD OF COUNTY COMMISSIONERS DURHAM, NORTH CAROLINA

Monday, December 11, 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 Nida Allam, Vice-Chair Nimasheena Burns and Commissioners Heidi Carter and

Wendy Jacobs

Presider: Chair Nida Allam

Excused Absence: Commissioner Brenda Howerton

Zoom Hybrid Participants: 6

Opening of Regular Session - Pledge of Allegiance

Agenda Adjustments

Chair Allam announced that there were no agenda adjustments.

Announcements

Monica Wallace, Clerk to the Board read the following announcements:

- 1. **Information Session & MWBE Outreach** Durham County Board of Elections Phase 1B Information Session and MWBE Outreach on Monday, December 18th from 3pm 5pm in the Commissioners Chambers located at 200 E. Main Street. Please visit https://shorturl.at/hkovP to RSVP or contact Johnny Sigers at isigers@sametcorp.com
- 2. **Give Feedback on Triangle's Future Transportation System** If you're interested in future highway, bicycle, rail, pedestrian, and transit projects for the Triangle region over the long-term, now's your chance to give feedback on the goals and objectives that will guide the planning process. The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) and the Capital Area Metropolitan Planning Organization (CAMPO) are working on Destination 2055, an update to the Triangle Region's long-range transportation plan, the 2055 Metropolitan Transportation Plan (MTP). Take survey through January 10, 2024, in English at https://publicinput.com/destination2055goals or Spanish https://publicinput.com/destino2055objetivos. Visit the Destination 2055 website here: https://Destination2055NC.com. Comment via email at Destination2055@publicinput.com or voicemail at 855-925-2801, enter code 5731.
- 3. Low Income Energy Assistance Program The Durham County Department of Social Services is taking applications for the Low-Income Energy Assistance Program (LIEAP) for

applicants who are age 60+, as well as those with disabilities and who receive Food and Nutrition Services. The application opens to all Durham County residents on January 3, 2024. Apply at https://ePass.nc.gov. Call 919-560-8192 to make a virtual appointment with a LIEAP Specialist.

- 4. **2023 Tax Bill Payments** The Durham County Tax Administration allows citizens the option of making partial payments on real property taxes through January 5, 2024. Payment options include check, bank draft, money order or cash. For citizen convenience, equal installment payment coupons are enclosed with real estate tax bills. For more information, visit our website at www.dconc.gov/tax, chat us at https://bit.ly/dcotaxchat, or call 919-560-0300.
- 5. **Feedback Needed for DCONC.GOV Redesign** Residents are encouraged to give feedback on the Durham County Government website as we begin the process of a comprehensive website redesign. Tell us what you are looking for in a website, if you can find what you need on the current site, and what you like and dislike about it. We have launched a five-minute survey to gather input. Survey is available in English https://www.surveymonkey.com/r/VVNLFHC and Spanish https://www.surveymonkey.com/r/SFJ5QNB
- 6. **In Touch with Durham County** Watch the "In Touch with Durham County" TV Show, hosted by Chief Communications Officer Deborah Craig-Ray. This month's show features a conversation with Durham County Department of Social Services Director Maggie Cveticanin about Medicaid Expansion in North Carolina and Office of Emergency Services Director Jim Groves discusses his DCo career, which ends in retirement in January. The show is available to watch on the DCo YouTube channel at https://youtu.be/k3HWkqxQJWo, the Durham County Government website at www.dconc.gov, and the Durham Television Network.
- 7. **Winter Holidays Closures** Most Durham County Government offices will close for the Winter Holidays from Monday, December 25 through Wednesday, December 27, reopening on Thursday, December 28. Most offices will also close on Monday, January 1, 2024, and reopen on Tuesday, January 2. For impacts to specific services, including Convenience Sites and Library locations, visit www.dconc.gov.

Chair Allam stated Commissioner Howerton requested an excused absence for the December 11th Regular Session meeting.

Commissioner Jacobs moved, seconded by Commissioner Carter, to grant Commissioner Howerton an excused absence for the December 11, 2023 Regular Session meeting.

The motion carried unanimously.

Minutes

Commissioner Jacobs moved, seconded by Vice Chair Burns to approve the November 6, 2023 Work Session minutes.

The motion carried unanimously.

Ceremonial Items

23-0907 Eno River Association 2024 Calendar Presentation

Jessica Sheffield, Executive Director of the Eno River Association introduced Natalie Wallace, Community Partner Manger of the Eno River Association. Ms. Sheffield presented the Board with the 2024 Eno River Calendars and thanked the Board for continued land and water conservations in Durham.

The Board thanked Ms. Sheffield for the 2024 Eno River Calendars and for protecting the Eno River.

Consent Agenda

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

Vice Chair Burns requested to comment on Item #23-0912.

• Item #23-0912 – Vice Chair Burns highlighted the approval of the American Rescue Plan Act Nonprofit Grant Program for Small Business Support Grants.

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

Vice Chair Burns moved, seconded by Commissioner Jacobs, to approve the following items on the Consent Agenda.

The motion carried unanimously.

*23-0808 Budget Ordinance Amendment No. 24BCC00058 Public Health to Recognize \$1,200 from the National Network of Public Health Institutes for the Racial Justice Competency Model (RJCM) Pilot Program

*23-0809 Budget Ordinance Amendment No. 24BCC00057 Public Health to Recognize \$100,000 from the National Association of County and City Officials for Covid-19 Education and Access

23-0832 Approval of an Interlocal Agreement (ILA) with the City of Durham for a Joint Crisis Communications Plan with Durham County's share not to exceed \$50,000

23-0845 Approval of McKim & Creed Contract Amendment for the Utilities Division for Arc Flash Analysis Services in the Amount of \$10,748 Bringing the Contract Amount from \$94,807 to \$105,555 With a Not to Exceed Amount of \$120,000

*23-0851 Budget Ordinance Amendment No. 24BCC00034 Public Health to Recognize \$59,743 from Guilford County's Division of Public Health for Staff Development and Training

23-0853 Public Health Requests Approval for Fee Schedule Changes and a Change in the Chargemaster Rate

23-0854 Approval of Relocation of Abandoned "Emory Cemetery"

23-0870 Approve Alternate Appointment to the 2023 Board of Equalization and Review

23-0871 Approval of Contract with Woolpert, Inc. (dba Data Cloud Solutions) in the amount of

\$88,175.00 for Mobile Assessor product to transition to appraisal field process to paperless environment

23-0872 Delegation of Authority to the Tax Assessor to Grant Individual Extensions for the Listing of 2024 Business Personal Property

*23-0882 Capital Project Amendment No.24CPA00013 Appropriating \$600K of Limited Obligation Bond Funding (LOBS) for the New Emergency Operations Center (EOC) & Backup 911/Sheriff's Call Center Capital Project (4730DC158), and Execution of Contract for Architectural Design Advanced Planning Services with O'Brien Atkins Associates for the EOC & Backup 911/Sheriff's Call Center Project

23-0885 Recognition of a rebate in the amount of \$49,950.00 from the Duke Energy NC Solar Rebate Program for the New Durham County Youth Home Project

23-0897 Approve Contract with FMLASource in the amount of \$41,000 for Absence Management Services and ADA Administration

23-0901 Approval of 2024 Board of County Commissioners' Meeting Schedule

*23-0904 Approval of Property Tax Releases and Refunds for November 2023

23-0912 Approval of American Rescue Plan Act (ARPA) Nonprofit Grant Program Phase 2 - Small Business Support Grants

23-0913 Approval of Emergency Interim Janitorial Services Contracts for Five (5) County Facilities in the total amount of \$151,890.68

*23-0914 Approval of a Contract with Purpose Learning Lab totaling \$200,000 for Fiscal Years 2023-24 and 2024-25 and Budget Ordinance Amendment No. 24BCC00070 Appropriating \$100,000 of General Fund Fund Balance for Implementation of the First Year

*23-0915 Approval of contract for Village of Wisdom totaling \$75,000 for Fiscal Years 2023-24 and 2024-25 and Budget Ordinance Amendment No. 24BCC00071 Appropriating \$37,500 of General Fund Fund Balance for Implementation of the First Year

Consent Agenda Item #23-0808

Durham County, North Carolina 2023-2024 Budget Ordinance Amendment Number 24BCC00058

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2023-2024 budget ordinance is hereby amended to reflect budget adjustments.

Fund Name	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
Expenditure			
Human Services	\$127,644,475.61	\$1,200.00	\$127,645,675.61
Revenue			
Intergovernmental	\$79,069,589.58	\$1,200.00	\$79,070,789.58

Approved December 11, 2023			
Consent Agenda Item #23-080	<u></u>		
	Durham County, No. 2023-2024 Budget (Amendment Number	Ordinance	
BE IT ORDAINED BY THE ordinance is hereby amended to		OURHAM COUNTY	that the 2023-2024 budget
Fund Name GENERAL FUND	Current Budget	Increase/Decrease	Revised Budget
Expenditure Human Services Revenue	\$127,544,475.61	\$100,000.00	\$127,644,475.61
Intergovernmental	\$78,969,589.58	\$100,000.00	\$79,069,589.58
All ordinances and portions of or	dinances in conflict herewith	are hereby repealed.	
Approved December 11, 2023			
Consent Agenda Item #23-085	<u>51</u>		
	Durham County, No. 2023-2024 Budget (Amendment Number	Ordinance	
BE IT ORDAINED BY THE ordinance is hereby amended to		OURHAM COUNTY	that the 2023-2024 budget
Fund Name GENERAL FUND Expenditure	Current Budget	Increase/Decrease	Revised Budget
Human Services Revenue	\$127,645,675.61	\$59,743.00	\$127,705,418.61
Intergovernmental	\$79,082,694.58	\$59,743.00	\$79,142,437.58
All ordinances and portions of or	dinances in conflict herewith	are hereby repealed.	
Approved December 11, 2023			
Consent Agenda Item #23-088	<u>32</u>		
	Durham County, No. FY 2023-2024 Capi		

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

Amendment Number 24CPA-13

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the FY 2023-24 capital project is hereby amended to reflect budget adjustments.

Project #	Project Name	Current	Increase /	Updated
		Budget	Decrease	Budget
	Emergency Operations Center (EOC) & Backup 911/DSO Call	\$0.00	\$600,000.00	\$600,000.00
	Center Project			

All capital projects in conflict herewith are hereby repealed.

Approved November 27, 2023		

Consent Agenda Item #23-0904

Releases and Refunds – November 2023

Current Year 2023 Taxes	Releases	Refunds	
Real Property	\$111,403.82	\$581,298.37	
Personal Property	\$213,790.61	\$150,968.31	
Motor Vehicle	\$0.00	\$0.00	
Solid Waste	\$0.00	\$0.00	
Stormwater Utility	\$0.00	\$0.00	
Public Service	\$0.00	\$0.00	
VTS Refunds	\$0.00	\$14,647.73	
Gross Rec	\$0.00	\$12.39	
SUB – TOTAL	\$325,194.43	\$746,926.80	\$1,072,121.23
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Prior Year 2019-2022	Releases	Refunds	
Real Property	\$0.00	\$9,438.38	
Personal Property	\$14,875.09	\$14,903.50	
GAP Vehicles	\$0.00	\$0.00	
Motor Vehicle	\$0.00	\$0.00	
Solid Waste	\$0.00	\$0.00	
Stormwater Utility	\$0.00	\$0.00	
VTS Refunds	\$ <u>0.00</u>	\$0.00	
SUB - TOTAL	\$14,875.09	\$24,341.88	\$39,216.97

\$340,069.52 \$771,268.68 \$1,111,338.20

Consent Agenda Item #23-0914

GRAND TOTAL

Durham County, North Carolina 2023-2024 Budget Ordinance Amendment Number 24BCC00070

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2023-2024 budget ordinance is hereby amended to reflect budget adjustments.

Fund Name	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
<u>Expenditure</u>			
Education	\$208,704,480.98	\$100,000.00	\$208,804,480.98
Revenue			
Other Financing Services	\$73,764,102.17	\$100,000.00	\$73,864,102.17

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

Approved December 11, 2023

Consent Agenda Item #23-0915

Durham County, North Carolina 2023-2024 Budget Ordinance Amendment Number 24BCC00071

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2023-2024 budget ordinance is hereby amended to reflect budget adjustments.

Fund Name	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND			
<u>Expenditure</u>			
Education	\$208,804,480.98	\$37,500.00	\$208,841,980.98
Revenue			
Other Financing Services	\$73,864,102.17	\$37,500.00	\$73,901,602.17

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

Approved December 11, 2023

Other Business

23-0892 Presentation on Medicaid Expansion

Maggie Cveticanin, DSS Director and Cynthia Cason, Assistant Director of Medicaid shared the *Medicaid Expansion Durham County DSS* presentation which highlighted the following: Medicaid Expansion Law – HB 76, Medicaid Expansion Impacts on Durham County, Medicaid Expansion Update, Challenges to Successfully Implement Medicaid Expansion, What We Need to Be Prepared for Medicaid Expansion, What Durham County DSS Will Do During Medicaid Expansion, Status on New Positions.

The Board inquired about the Medicaid Expansion positions not included with the job fair. Ms. Cveticanin replied, the Supervisor, Program Manager, Call Center and Paper Application positions were not included in the job fair. The Board asked about partners in Durham referring residents to DSS for services. Ms. Cveticanin responded, the state and DSS held education discussions with partners to explain the process and how to apply. She added the department discussed placing staff at the Lincoln Health Center to inform and enroll residents in Medicaid Expansion.

The Board questioned the County's outreach efforts for Medicaid Expansion. Ms. Cveticanin responded

staff were visiting schools, universities, colleges, community events, churches and Latinx contacts. The Board asked about partnering with local companies to hire Medicaid enrolled residents. County Manager Dr. Sowell replied she would have those discussions with Human Resources and DSS departments.

The Board thanked Ms. Cveticanin, Ms. Cason and the DSS department for assisting residents with Medicaid Expansion.

Public Hearings

23-0893 Public Hearing – Unified Development Ordinance Text Amendment – Omnibus 18

Alexander Cahill, Senior Planning Manager stated the Board was requested to conduct a public hearing and receive public comments on the Unified Development Text Amendment – Omnibus 18. Mr. Cahill shared the *Omnibus* 18 – *TC2300001* presentation which highlighted the following: Overview, Comprehensive Plan Implementation, Article 3, Article 5, Technical Updates, Article 7, Article 8, Article 9, Article 14 and Article 17.

Chair Allam opened the public hearing. With no one signed up to speak, Chair Allam closed the public hearing.

First Motion:

Vice Chair Burns moved, seconded by Commissioner Carter to adopt an ordinance amending the Unified Development Ordinances, incorporating revision to Article 3, Application and Permits, Article 5, Use Regulations, Article 6, District Intensity Standards, Article 7, Design Standards, Article 9, Landscaping and Buffering, Article 14, Nonconformities, and Article 17, Definitions.

The motion carried unanimously.

Second Motion:

Vice Chair Burns moved, seconded by Commissioner Carter, to adopt a Consistency Statement as required by NCGS 160D-605.

The motion carried unanimously.

<u>23-0894 Public Hearing – Unified Development Ordinance Text Amendment – Pedestrian Malls</u>
Alexander Cahill, Senior Planning Manager stated the Board was requested to conduct a public hearing and receive public comments on the Unified Development Ordinance Text Amendment – Pedestrian Malls. Mr. Cahill shared the *Pedestrian Malls – TC2300004* presentation which highlighted the following: Overview, Definition, Article 16 – Section 4 and Conclusion.

The Board inquired about lighting regulations and the applicant's plan of use for the amendment. Mr. Cahill responded that the Unified Development Ordinance regulated lighting and Jeremy Anderson, Land Planner/Landscape Architect stated the planned use was to increase the width of pedestrian malls in larger developments.

Chair Allam opened the public hearing. With no one signed up to speak, Chair Allam closed the public hearing.

First Motion:

Vice Chair Burns moved, seconded by Commissioner Carter, to adopt an ordinance amending the Unified Development Ordinances, incorporating revision to Article 16, Design Districts; Section 4, Streetscape, Right-of-Way, Block/Lot Standards.

The motion carried unanimously.

Second Motion:

Commissioner Jacobs moved, seconded by Commissioner Carter, to adopt a Consistency Statement as required by NCGS 160D-605.

The motion carried unanimously.

<u>23-0895 Public Hearing – Unified Development Ordinance Text Amendment – Conservation Subdivisions</u>

Curtis Massey, Senior Assistant County Attorney stated the Board was requested to conduct a public hearing and receive public comments on the Unified Development Ordinance Text Amendment – Conservation Subdivisions. Mr. Massey shared the *Unified Development Ordinance Section* 6.2.4 – *TC2300005* presentation which highlighted the following: Overview, Article 6, Paragraph 6.2.4A – Purpose, Paragraph 6.2.4A Amendments, Paragraph 6.2.4B Amendments, Conservation Subdivision.

Chair Allam opened the public hearing.

Katie Ross, Citizen

Ms. Ross asked the Board to wait until after the Court of Appeals made a final decision before approving the amendment.

Robin Barefoot, Citizen

Ms. Barefoot stated she was the plaintiff in the lawsuit against the County and asked the Board to vote "no" on the amendment – adding she was willing to work with the Board and Planning staff to update the amendment.

The Board asked how the state law caused changes to the Ordinance. Sarah Young, Planning Director responded the Development Subdivision and Tree Preservation amendment would now apply to Conservation Subdivisions. The Board asked about rewriting the Unified Development Ordinance with Conservation Subdivision changes. Ms. Young stated provisions in State Law required allowing riparian buffers to count for conservations areas and developers were using the same trees for several counts. She added the Planning Department hired a consultant to bring back recommendations including Conservation Subdivisions. The Board requested that the Planning Department prioritize the recommendations from the consultant.

Chair Allam closed the public hearing.

First Motion:

Commissioner Carter moved, seconded by Commissioner Jacobs, to adopt an ordinance amending the Unified Development Ordinances, incorporating revisions to Article 6, District Intensity Statements.

The motion carried unanimously.

Second Motion:

Commissioner Carter moved, seconded by Commissioner Jacobs to adopt a Consistency Statement as required by NCGS 160D-605.

The motion carried unanimously.

Directive: Commissioner Jacobs requested that the Planning Department prioritize the recommendations from the consultant about Conservation Subdivisions.

<u>23-0894 Public Hearing – Unified Development Ordinance Text Amendment – Simplifying Codes for Affordable Development (SCAD)</u>

Bo Dobrzenski, Assistant Planning Director stated the Board was requested to conduct a public hearing to receive comments on the Unified Development Ordinance Text Amendment – Simplifying Codes for Affordable Development. Mr. Dobrzenski shared the *Simplifying Codes for Affordable Development – TC220001* presentation which highlighted the following: Applicant, Proposal Topics, Likely County Impacts and Portions of the Original SCAD Proposal Not Adopted by City Council.

The Board stated City Council approved the SCAD amendment and asked about the effective date of the amendment. Mr. Dobrzenski responded that the SCAD amendment would be effective on January 1, 2024 within the city limits and no action of the County Commissioners would impact the amendment approved by the City. The Board asked if the impacts of the SCAD amendment would primarily pertain to the City or the County. Mr. Dobrzenki replied that the impacts would primarily pertain to the zoning within the city limits.

The Board inquired about the impacts on the County with the SCAD amendment changes. Mr. Dobrzenski responded removal of parking minimums, accessory dwelling unit size increase, height measurement method and removal of project boundary buffers between residential users were the areas impacted. Mr. Dobrzenski added existing ordinances governing the impacts were sometimes burdensome for County residents. The Board asked about the SCAD amendment referring to affordable housing. Mr. Dobrzenski replied that the sections of the amendment referring to affordable housing were removed from the County version and would be considered as part of the Unified Development Ordinance (UDO) rewrite.

Chair Allam opened the public hearing.

The following citizens supported the SCAD text amendment: Sebastian Feculak, Steve Toler, Cliff Cradle, Adam Lang, Dan Jewell, Morgan Haynes, Bob Chapman and Ibrahiom Sy.

The following citizens opposed the SCAD text amendment: Mimi Kessler, Jennifer Franklin, Pamelia Williams, Joseph Fleming, Donna Stainback, Pam Andrews, Tammie Sawaya, Rebecca Freeman, Jacob Freeman, Walter Jackson, Tom Miller, Brian Callaway, Sherri Rosenthal, Katie Ross and Robin Barefoot.

Chair Allam closed the public hearing.

The Board inquired about the impact if the County did not approve the SCAD text amendment. Mr. Dobrzenski stated the text amendment would have both City standards and County standards; adding that no two-versioned Unified Development Ordinance existed. The Board asked how the SCAD amendment would affect the approved environmental protection ordinances. Sara Young, Planning

Director responded mass grading concerns, increased mass grading buffers and the improved tree protections would remain and supersede the implementation of the SCAD amendment. The Board questioned how the SCAD amendment impacts would be monitored. Mr. Dobrzenski responded the Planning Department would keep track of unintended outcomes of the amendment and address the issues in the UDO rewrite.

The Board inquired about the impact of the text amendment on future growth areas. Ms. Young responded the amendment would impact unincorporated areas of the County in the Urban Growth boundary. The Board asked if the development tiers would be removed in the Unified Development Ordinance (UDO) rewrite. Ms. Young responded yes, the UDO rewrite would allow a new organization of the districts and replace the development tiers.

Commissioner Carter moved, seconded by Commissioner Jacobs, to extend the meeting until 11:15 p.m.

The motion carried unanimously.

First Motion:

Commissioner Carter moved, seconded by Commissioner Jacobs to adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits; Article 4, Zoning Districts; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 7, Design Standards; Article 8, Environmental Protection; Article 9, Landscaping and Buffering; Article 10, Parking and Loading; Article 12, Infrastructure and Public Improvements; Article 13, Additional Requirements for Subdivisions; Article 14, Nonconformities; Article 16, Design Districts; and Article 17, Definitions.

Ayes: Chair Allam, Commissioner Carter and Jacobs Nays: Vice Chair Burns and Commissioner Howerton

The motion carried.

Second Motion:

Commissioner Carter moved, seconded by Commissioner Jacobs to adopt a Consistency Statement as required by NCGS 160D-605.

Ayes: Chair Allam, Commissioner Carter and Jacobs Nays: Vice Chair Burns and Commissioner Howerton

The motion carried.

Board and Commission Appointments

Al Andrews, County Attorney announced the voting results.

<u>City-County Appearance Commission</u> **Hemant Desai** (Allam, Burns, Carter, Jacobs)

Durham Opens Space and Trails Commission

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

Adjournment

Vice Chair Burns moved, seconded by Commissioner Carter to adjourn the Regular Session meeting at 10:54 p.m.

The motion carried unanimously.

Respectfully Submitted,

Macio Carlton

Deputy Clerk to the Board