



# Durham County

200 E. Main Street  
Durham, NC 27701  
(919) 560-0025

## Meeting Agenda Board of County Commissioners

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Monday, November 23, 2020

7:00 PM

Commissioners' Chambers

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### Regular Session

### "Public Charge"

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

### 7:00 pm Regular Session

1. Opening of Regular Session - Pledge of Allegiance (5 min)
2. Agenda Adjustments (5 min)
3. Announcements (5 min)

#### [20-0640](#) Announcements

#### Agenda Text:

1. **Open Enrollment for Healthcare Marketplace** - Need health insurance for 2020? You have until December 15, 2020 to apply for new insurance or renew, change, or update your 2020 coverage.

Please visit [www.healthcare.gov](http://www.healthcare.gov) <<http://www.healthcare.gov>> for more information.

2. **Extra Credit Grant Deadline Extended to December 7** - A second application period for qualified North Carolina residents to apply for the \$335 Extra Credit grants has been opened with a new deadline of Dec. 7.

The Extra Credit Grant program was authorized by the N.C. legislature. Under the program, North Carolinians who have children younger than 17 as

of Jan. 1, 2020, will receive one-time payments of \$335 to help pay for daycare or other expenses associated with virtual schooling. If you filed a tax return in 2019, you DO NOT need to apply for the grant. You only need to apply for the grant if you did not file a 2019 tax return.

Applicants should contact the Charlotte Center for Legal Advocacy (CCLA) by December 7 at 1-888-301-1555 or by email at [ncecg@charlottelegaladvocacy.org](mailto:ncecg@charlottelegaladvocacy.org) [<mailto:ncecg@charlottelegaladvocacy.org>](mailto:ncecg@charlottelegaladvocacy.org)

- 3. Durham Technical Community College (DTCC) Back to Work Initiative** - DTCC is offering Durham residents an opportunity to complete the back-to-work course in as little as eight weeks!

These courses will help to provide opportunities for high-demand occupations such as health care, biotechnology, skilled trades and information technology. Please visit [www.durhamtech.edu/work](http://www.durhamtech.edu/work) [<http://www.durhamtech.edu/work>](http://www.durhamtech.edu/work) for additional information.

- 4. FREE COVID-19 Testing Sites** - Extended through December 31, 2020, FREE COVID-19 testing is available for all ages, 7 days a week, regardless of insurance or documentation.

Please visit [www.dcopublichealth.org](http://www.dcopublichealth.org) [<http://www.dcopublichealth.org>](http://www.dcopublichealth.org) for a list of testing sites

- 5. Durham Holiday Safety Guidelines & Events** - With the Thanksgiving Holiday quickly approaching, Durham residents are asked to continue following the public health resources and guidelines to help prevent super-spreader events.

More information can be found on the City of Durham's website at [www.durhamnc.gov/4351/Holiday-Safety-Guidelines-Events](http://www.durhamnc.gov/4351/Holiday-Safety-Guidelines-Events) [<http://www.durhamnc.gov/4351/Holiday-Safety-Guidelines-Events>](http://www.durhamnc.gov/4351/Holiday-Safety-Guidelines-Events)

#### 4. Minutes (5 min)

[20-0639](#)

Minutes

**Attachments:**      [Regular Session - October 12, 2020](#)  
                              [Regular Session - October 26 2020](#)  
                              [Work Session - November 2, 2020](#)  
                              [Regular Session - November 9, 2020](#)

## 5. Ceremonial Items (20min)

### **20-0622      Recognize Receipt of the 2020 PTI Solutions Award in the Sustainability Category for Use of Data to Further the County's Greenhouse Gas Emissions Reductions (10min)**

**Agenda Text:**      The Board is hereby requested to recognize receipt of the 2020 PTI Solutions Award in the Sustainability Category for use of data to further the County's greenhouse gas emissions reductions. The County's Sustainability Office earned the award for our public-private partnership with Enpira, a local energy management software company, to develop an on-line platform for consolidating and analyzing utility data for all County facilities, including wastewater treatment. This new platform is now also being used by neighboring cities, counties, and school districts.

In order to measure progress towards our emissions reduction goals, it is necessary to track electricity, natural gas, and water use in our facilities. Prior to implementing this solution, data tracking and analysis was time consuming and limited. Being able to easily obtain, manage, and analyze the data allows the team to identify waste, prioritize actions to reduce that waste, and measure the impact of actions.

The award was presented by the Computer Technology Industry Association (CompTIA), the leading trade association for the global information technology industry, and the Public Technology Institute (PTI). The annual PTI Solutions Awards recognize member cities and counties that have implemented or updated innovative technology solutions within the past 15 months that positively affected local government performance and service to the public.

**Alignment with Strategic Plan:** This request aligns with Strategic Plan Goal #4 (Environmental Stewardship and Community Prosperity) and Goal 5 (Accountable, Efficient, and Visionary Government).

**Resource Persons:** Tobin L. Freid, Sustainability Manager; and Peri Manns, ASLA, LEED GA, Deputy Director of Engineering and Environmental Services

**County Manager's Recommendation:** The County Manager recommends that the Board recognize receipt of the 2020 PTI Solutions Award in the Sustainability category for use of data to further the County's greenhouse gas emissions reductions.

### **20-0648      Presentation of Service Plaques to Outgoing Commissioners Hill and Reckhow (10min)**

**Agenda Text:**      The Board is requested to recognize retiring board members Commissioner James

Hill and Commissioner Ellen Reckhow. Both Commissioners Hill and Reckhow are honored for their commitment to the people of Durham. Commissioner Hill joined the Board of County Commissioners in 2016. Commissioner Reckhow began her role as commissioner in 1988, departing Durham County Government with 32 years of service.

On Monday, November 23, 2020, Durham County Government hosted a farewell ceremony to celebrate Commissioners Hill and Reckhow. Tonight, County Manager Wendell Davis will present service plaques to Commissioner Hill and Commissioner Reckhow.

**Alignment with Strategic Plan:** This request aligns with all five goal areas for Durham County Government.

**Resource Persons:** Durham County Manager Wendell Davis.

**County Manager's Recommendation:** The County Manager recommends that the Board recognize retiring board members Commissioner James Hill and Commissioner Ellen Reckhow.

**Attachments:** [Final Hill and Reckhow Plaques](#)

## 6. Board of County Commissioners Highlights (15min)

### [20-0646](#)

#### **Board of County Commissioners 2016 - 2020 Highlights (15min)**

**Agenda Text:**

The Board is requested to receive an overview of highlights of the work of the Durham County Board of Commissioners over the past four years with a focus on policies and programs initiated and prioritized to address each of the Strategic Goal Areas of Durham County Government and improve the quality of life and well-being of the residents of Durham County.

**Alignment with Strategic Plan:** The item aligns with all the Strategic Goals of Durham County.

**Resource Persons:** Wendy Jacobs, Chair, Board of County Commissioners

**County Manager's Recommendation:** The County Manager recommends that the Board receive an overview of highlights of the work of the Durham County Board of Commissioners over the past four years with a focus on policies and programs we have initiated and prioritized to address each of the Strategic Goal Areas of Durham County Government and improve the quality of life and well-being of the residents of Durham County.

## 7. Consent Agenda (15min)

### [20-0615](#)

#### **Request Refund of Overpayment of Excise Tax**

**Agenda Text:**

The Board is requested to refund the overpayment of excise tax to Warren, Shackleford & Thomas, PLLC. On September 29, 2020 a deed was recorded in Durham County with excise tax listed and paid in the amount of \$890.00. The correct amount of the excise tax was \$800.00. Pursuant to N.C. General Statute, 105-228.37 a taxpayer who pays more tax than is due under this Article may request a refund of the overpayment by filing a written request for a refund with the board of county commissioners of the county where the tax was paid. The request must be filed within six months after the date the tax and must explain why the taxpayer believes a refund is due.” (see attached)

Before a tax is refunded, the taxpayer must record a new instrument reflecting the correct amount of tax due. (see Attached)

Pursuant to the request by Warren, Shackleford & Thomas, PLLC., a refund in the amount of \$90.00 is requested due to the excise tax overpayment in the office of the Durham County Register of Deeds.

**Alignment with Strategic Plan:** Goal 5, Accountable, Efficient and Visionary Government. The refund is due pursuant to the statutory requirements.

**Resource Persons:** James R. Tabron, Assistant Register of Deeds.

**County Manager’s Recommendation:** The County Manager recommends that the Board refund the overpayment in the amount of \$90.00 to Warren, Shackleford & Thomas, PLLC.

**Attachments:**

[Refund Request](#)

[Incorrect Excise Tax Deed](#)

[Corrective Affidavit](#)

**20-0621****Property Tax Releases and Refunds for October 2020****Agenda Text:**

The Board is requested to approve the Releases & Refunds for the month of October 2020. 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 October 2020.

Releases and Refunds for 2020 total \$739,609.66. Prior year’s (2015-2019) releases and refunds for October 2020 are in the amount of \$738,473.03. The current year and prior year’s releases and refunds total \$1,478,082.69.

**Alignment with Strategic Plan:** Goal 5, Accountable, Efficient, Visionary Government. To ensure the county complies with North Carolina General Statutes ensures we are accountable to our citizens. The Board of E&R ensures that we are accountable and efficient as tax revenues are impacted by the actions of this Board. The actions of the tax department and this Board impact all strategic goals due to the

revenues needed.

**Resource Persons:** T. Dwane Brinson, Tax Administrator

**County Manager's Recommendation:** The County Manager recommends that the Board accept the property tax release and refund report for October 2020 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

**Attachments:** [Releases and Refunds Backup Detail-October 2020- Nov 23, 2020](#)  
[NCVTS September Refunds](#)  
[Backup-Tax Release and Refunds-October 2020-November 23, 2020](#)

## **20-0626**

### **Settlement of 2019 Property Taxes and the Charge of 2020 Property Taxes to the Tax Collector**

**Agenda Text:** The Board is requested to approve the 2019 Tax Settlement and Charge the Tax Collector with the 2020 taxes.

As required by G.S. 105-373, the Tax Administrator is herewith submitting the settlement report of 2019 property taxes. The annual settlement provides in detail the collection for the County, all fire and special districts and the City of Durham, BID, City of Raleigh, Towns of Chapel Hill and Morrisville during Fiscal Year 2019-2020.

G.S. 105-373 (h) further authorizes the Board of County Commissioners to relieve the Tax Collector of the charges of taxes on classified motor vehicles that are one year or more past due.

Additionally, the General Statutes bar use of any remedies for collection enforcement that is not instituted within 10 years of said taxes becoming due.

Furthermore, pursuant to G.S. 105-321 (b), the Board of County Commissioners charges the Tax Collector with the 2020 Property Tax Receipts.

The Tax Administrator requests authorization to relieve charges of taxes that are beyond the statute of limitations of 10 years and those vehicles that are more than two (2) years past due.

**Alignment With Strategic Plan:** Goal 5, Accountable, Efficient, Visionary Government. To ensure the county complies with North Carolina General Statutes ensures we are accountable to our citizens. The actions of the tax department impact all strategic goals due to the revenues needed.

**Resource Persons:** T. Dwane Brinson, Tax Administrator

**County Manager's Recommendation:** The County Manager recommends that the Board receive and approve the 2019 Property Tax Settlement Report and authorize the Chair to sign the resolution accepting it as reported for entry into the minutes and to authorize the release of taxes that are more than 10 years past due and motor vehicles taxes that are more than 2 years past due.. The County Manager further recommends the Board to issue the Order to Collect to the Tax Collector for Fiscal Year 2020 - 2021.

**Attachments:**      [Exhibit 1 Resolution Approving Tax Collector's Settlement 2019-2020](#)  
[Exhibit 2 Settlement for FY 19-20 Tax Accounts](#)  
[Exhibit 3 Settlement of Unpaid Taxes](#)  
[Exhibit 4 Tax Collector's Report of Minimal Property Tax Bills](#)  
[Exhibit 5 Accounts Receivable](#)  
[Exhibit 6 Tax Collector's Rpt -2019 Unpaid Taxes](#)  
[Exhibit 7 2020 Order of Collection \(Charge of Tax Collection\)](#)

**20-0628****2021 Durham County Legislative Agenda****Agenda Text:**

The Board is requested to finalize local legislative proposals suggested for consideration to move forward as part of the 2021 Durham County Legislative Goals process. An initial discussion of goals was held on November 9th and staff was instructed to make some additions and bring back a final listing at this meeting.

After formal approval of the items, staff proposes scheduling a meeting with members of the Durham Legislative Delegation in early January to formally share the list and to seek guidance and assistance in introducing them once the General Assembly convenes. Lawmakers are set to return to Raleigh on January 13, 2021 at noon to conduct the session.

**Alignment with Strategic Plan:** This item aligns with Goal 5: Accountable, Efficient and Visionary Government.

**Resource Persons:** Deborah Craig-Ray, General Manager for Strategic Management, Public Affairs, Innovation and Special Projects

**County Manager's Recommendation:** The County Manager recommends that the Board approve the local proposed legislative items and direct staff to set up virtual meeting with the Durham Legislative Delegation in early January 2021.

**Attachments:**      [2021 Updated Durham Local Goals.11.23](#)

**20-0630****Criminal Justice Advisory Committee Appointment****Agenda Text:**

The Board is requested to appoint Major Walter Tate to the Criminal Justice Advisory Committee. The Criminal Justice Advisory Committee was established in 2012 to develop a comprehensive continuum of services for the adult criminal justice system, to identify service gaps, and to develop intervention strategies. The "Police Department" is a designated position on the committee.

**Alignment with Strategic Plan:** This appointment aligns with the strategic plan goal of safe and secure community.

**Resource Persons:** Gudrun Parmer, Director, Criminal Justice Resource Center

**County Manager's Recommendation:** The County Manager recommends that the Board appoint Major Walter Tate to the Criminal Justice Advisory Committee.

**Attachments:**      [CJAC - Major Walter Tate](#)

**20-0636****Award Contract to Replace Damaged Glass at Durham County Detention Center to Jacobs Glass Company****Agenda Text:**

The Board is requested to authorize the County Manager to enter a service contract with Jacob's Glass Company in the amount of \$86,652.00 to replace the vandalized windows outside of Durham County Detention Center.

Jacob's Glass will replace windows with Ballistic Level II Lex-guard glass at the Magistrate office, conference room, Administrative offices overlooking the street. Ballistic Rated Level II security glass is bullet resistant by containing laminate interlayers. Safety tempered glass will be installed at the main entrance of Durham County Detention Center

The addition of this glass will ensure the safety and security of staff and citizens within the Durham County Detention Center.

The funding for this contract is in the existing General Services Capital Improvement project for building envelope and will not require additional funds.

**Alignment with Strategic Plan:** Goal 3- Safe and Secure Community

**Resource Persons:** Motiryo Keambiroiro, Director of General Services; Shawn Swiatocha Assistant Director of General Services, Eli McCutcheon Quality Control and Contract Specialist

**County Manager's Recommendation:** The County Manager recommends that the Board enter a service contract with Jacob's Glass Company in the amount of \$86,652.00 to replace the vandalized windows outside of Durham County Detention Center.

**Attachments:**

[AAF Supplemental Document - Contract Approval Jacobs Glass](#)

[2020-1006 REVISED Durham County Jail glass replacement REVISED](#)

[0971\\_001](#)

[Service Contract, Jacob's Glass, Replace Glass at Det. Ctr.](#)

**20-0641****Approval of Closed Session Minutes****Agenda Text:**

The Board is requested to approve Closed Session Minutes that the County Attorney has determined that public inspection would no longer frustrate the purpose of a closed session. The minutes have been sent to the Board under separate cover.

**Alignment with Strategic Plan:** This item aligns with Goal 5

**Resource Persons:** Monica W. Toomer, County Clerk; Lowell L. Siler, County Attorney

**County Manager's Recommendation:** The County Manager recommends that the Board approve the Closed Session minutes as submitted under separate cover.

**20-0644****Adoption of Resolutions related to Authorization of \$70M General Obligation (GO) Refunding Bonds, Series 2021, including a Resolution calling for a Public Hearing on a General Obligation Refunding Bond Order****Agenda Text:**

The Board is requested to adopt the attached resolutions which represent the first step in the authorization process for the issuance of General Obligation Refunding Bonds (\$70M). These Bonds will refund the County's General Obligation Bond, Series 2019, which was authorized pursuant to bond orders approved in the 2016 referendum for community college, library, museum and school purposes. Among the resolutions subject to consideration include a resolution calling for a public hearing on the general obligation bond order and directing publication of a notice of public hearing to be held on December 14, 2020.

During the December 14, 2020 regular session meeting, the County will hold a public hearing on the general obligation refunding bond order, consider adoption of the refunding bond order and consider adoption of a bond resolution authorizing the issuance of the General Obligation Refunding Bonds, Series 2021.

**Alignment with Strategic Plan:** Goal 5: Accountable, Efficient and Visionary Government

**Resource Persons:** Susan Tezai, Chief Financial Officer

**County Manager's Recommendation:** The County Manager recommends that the Board adopt the attached resolutions, which begin the authorization process for the issuance of the General Obligation Refunding Bonds (\$70M) and call for the public hearing on December 14, 2020.

**Attachments:**

[Resolution Making Statement of Fact](#)

[Introduction of Bond Order and Resolution Calling Public Hearing](#)

[20-0644 Supplemental Doc](#)

**8. Public Hearings (80min)****20-0616****Public Hearing - Durham County Stormwater Ordinance Amendment (20min)****Agenda Text:**

The Board is requested to conduct a public hearing and receive public input on the Durham County Stormwater Ordinance Amendment and adopt the amended ordinance.

At the November 2, 2020 Work Session, County Stormwater Staff presented the amended ordinance to the Board of Commissioners for review. The current Ordinance outlines the stormwater requirements for new development in the County including how development addresses water quality and quantity in its stormwater runoff under the Neuse, Jordan, and Falls Rules. County Stormwater staff have

evaluated the current ordinance and determined that several updates are necessary. The major changes are as follows:

1. Reorganizing for better understanding and more efficient processes
2. Modifications to align with state law changes
3. Update of Permitting Process for better outcomes

**Alignment with Strategic Plan:** This agenda item supports Strategic Plan Goal 4: Environmental Stewardship and Community Prosperity. More specifically it supports the objective of improving water quality.

**Resource Persons:** McKenzie Myers, PE, Stormwater Manager; Ryan D. Eaves, PE, Stormwater and Erosion Control Division Manager; Larissa Williamson, Senior Assistant County Attorney

**County Manager's Recommendation:** The County Manager recommends that the Board conduct a public hearing on the proposed Stormwater Ordinance Amendment and, if appropriate based on the comments received during the hearing, adopt the amended ordinance.

**Attachments:** [201102 Stormwater Ordinance Revisions Markup](#)  
[201102 Stormwater Ordinance Revisions Clean](#)

**20-0623**      **Unified Development Ordinance Text Amendment, Trees and Landscaping (TC2000001) (10min)**

**Agenda Text:** The Board is requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Trees and Landscaping (TC2000001); and

**First Motion:** To adopt the appropriate Statement of Consistency pursuant to NCGS §153A-341; and

**Second Motion:** To adopt an ordinance amending the *Unified Development Ordinance*, incorporating revisions to Article 8, Environmental Protection; Article 9, Landscaping and Buffering; Article 12, Infrastructure and Public Improvements; and Article 16, Design Districts.

**Summary.**

Text amendment TC2000001 proposes revisions to various provisions of the Unified Development Ordinance (UDO) regarding tree coverage, landscaping, and street trees. Based upon work with *TreesDurham*, staff is initiating amendments to allow street trees in the right-of-way for new streets. This new requirement also coincides with the review and update the *Durham Landscape Manual*, requires coordination with the General Services Department for maintaining trees within rights-of-way, and the City Public Works Department to develop appropriate street cross-sections to avoid conflicts between tree planting areas and underground utility installation.

Additional amendments are also proposed, primarily technical changes and from recommendations developed through the *Landscape Manual* update.

**Attachments:**

**Attachment A:** Statement of Consistency Pursuant to NCGS § 153A-341

**Attachment B:** An Ordinance to Amend the Unified Development Ordinance Regarding Trees and Landscaping (TC2000001)

**Attachment C:** Planning Commission comments

**Alignment with Strategic Plan:** The text amendment emphasizes Goal 4 (Community Prosperity) by offering fair and reasonable regulations for the citizens and business community of Durham while adhering to Goal 5 (Accountable, Efficient, and Visionary Government) by maintaining a transparent government and welcoming public input.

**Resource Persons:** Michael Stock, AICP, Senior Planner, and Sara Young, AICP, Planning Director

**County Manager's Recommendation:** The County Manager recommends that the Board conduct a public hearing on the proposed *Unified Development Ordinance* text amendment and, if appropriate based on the comments received during the hearing, adopt the appropriate Statement of Consistency and approve the amendment.

**Attachments:**

[BOCMemo TC200001 final](#)

[Attachment A TC200001 BOC Consistency statement](#)

[Attachment B TC200001 Trees Ord BOC final](#)

[Attachment C Planning Commission Comments TC200001](#)

**20-0624**

**Unified Development Ordinance Text Amendment, Omnibus Changes 15 (TC2000002) (20min)**

**Agenda Text:**

The Board is requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Omnibus Changes 15 (TC2000002); and

**First Motion:** To adopt the appropriate Statement of Consistency pursuant to NCGS §153A-341; and

**Second Motion:** 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 8, Environmental Protection; Article 9, Landscaping and Buffering; and Article 12, Infrastructure and Public Improvements.

**Summary.**

Text amendment TC200002 proposes technical revisions and minor policy changes to various provisions of the Unified Development Ordinance (UDO). The

amendments are identified as necessary corrections, clarifications, re-organization, or other minor changes to clarify the intent of the regulations or codify interpretations of regulations, or reflect minor policy changes, some of which are not solely technical in nature.

**Attachments:**

**Attachment A:** Statement of Consistency Pursuant to NCGS § 153A-341

**Attachment B:** An Ordinance to Amend the Unified Development Ordinance Regarding Various Provisions of the Unified Development Ordinance (TC2000002)

**Attachment C:** Planning Commission comments

**Alignment with Strategic Plan:** The text amendment emphasizes Goal 4 (Community Prosperity) by offering fair and reasonable regulations for the citizens and business community of Durham while adhering to Goal 5 (Accountable, Efficient, and Visionary Government) by maintaining a transparent government and welcoming public input.

**Resource Persons:** Michael Stock, AICP, Senior Planner, and Sara Young, AICP, Planning Director

**County Manager's Recommendation:** The County Manager recommends that the Board conduct a public hearing on the proposed Unified Development Ordinance text amendment and, if appropriate based on the comments received during the hearing, adopt the appropriate Statement of Consistency and approve the amendment.

**Attachments:**

[BOCMemo TC200002 final](#)

[Attachment A TC2000002 BOC Consistency statement](#)

[Attachment B TC200002 Ordinance Omnibus 15 BOC final](#)

[Attachment C Planning Commission Comments TC200002](#)

**20-0625**

**Unified Development Ordinance Text Amendment, Various Amendments related to Affordable Housing, the PDR district, and the Falls/Jordan District A Watershed (TC1900004) (20min)**

**Agenda Text:**

The Board is requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Various Amendments related to Affordable Housing, the PDR district, and the Falls/Jordan District A Watershed (TC1900004); and

**First Motion:** To adopt the appropriate Statement of Consistency pursuant to NCGS §153A-341; and

**Second Motion:** To adopt an ordinance amending the *Unified Development Ordinance*, incorporating revisions to Article 4, Zoning Districts; Article 6, District Intensity Standards; Article 10, Parking and Loading; and Article 17, Definitions.

**Summary.**

Text amendment TC1900004 is a privately-initiated request to amend provisions of the *Unified Development Ordinance* (UDO) regarding the Affordable Housing Bonus, Planned Development Residential (PDR) zoning requirements, parking standards, the definition of “family,” and uses within the Falls/Jordan District A (F/J-A) watershed overlay.

**Attachments:**

**Attachment A:** TC1900004 Application

**Attachment B:** Consistency Statement per NCGS § 153A-341

**Attachment C:** An Ordinance to Amend the Unified Development Ordinance Regarding Revisions Primarily Related to **Affordable Housing, the PDR District, and Uses in the F/J-A Watershed Overlay** (TC1900004)

**Attachment D:** Audubon comments

**Attachment E:** Johnson Service Corps comments

**Attachment F:** Report and recommendation form the Planning Commission special committee

**Attachment G:** Planning Commission comments

**Alignment with Strategic Plan:** The text amendment emphasizes Goal 4 (Community Prosperity) by offering fair and reasonable regulations for the citizens and business community of Durham while adhering to Goal 5 (Accountable, Efficient, and Visionary Government) by maintaining a transparent government and welcoming public input.

**Resource Persons:** Michael Stock, AICP, Senior Planner, and Sara Young, AICP, Planning Director

**County Manager’s Recommendation:** The County Manager recommends that the Board conduct a public hearing on the proposed *Unified Development Ordinance* text amendment and, if appropriate based on the comments received during the hearing, adopt the appropriate Statement of Consistency and approve the amendment.

**Attachments:**

[BOCMemo TC1900004 final](#)

[Attachment A TC1900004 application-revised10-2-19](#)

[Attachment B TC1900004 BOC Consistency statement](#)

[Attachment C TC1900004 BOC Ordinance final](#)

[Attachment D Audubon email](#)

[Attachment E Johnson Service Corps Comments](#)

[Attachment F TC1900004 Planning Commission special committee report and r](#)

[Attachment G Planning Commission Comments TC1900004](#)

**20-0643**

**Public Hearing to Consider Allocating Economic Development Funds**

**to Nuvotronics (10min)****Agenda Text:**

The Board is requested to hold a public hearing to consider allocating a total of \$200,000 in Economic Development funds to Nuvotronics and authorize the County Manager to enter into preliminary negotiations and execute an agreement with the Company. Nuvotronics, an innovative microelectronics company, will expand at their current Durham location, creating 150 jobs and investing \$50 million.

Nuvotronics was founded in 2008 with a vision to revolutionize microelectronics hardware. Based in Durham, Nuvotronics' patented PolyStrata® technology enables the design and production of uniquely packaged radio frequency devices, such as antennas, filters, and combiners, all of which are components in Cubic Corporation's advanced technology product offerings. The proposed project will be manufacturing microelectronic microwave components for communication to enable 5G networks and other applications. The proposed facility will allow Nuvotronics to be more efficient in its manufacturing process and technology innovation, and therefore serve its current customers better and meet the demand of additional customers.

With approval of the award, the Company has agreed to make reasonable efforts to participate in several workforce partnerships that include engagements with Durham Public Schools Career and Technical Education, Durham Technical Community College, NC Works Career Center and North Carolina Central's University. Please find additional project details including a full list of partnerships, terms and project attributes in the briefing sheet attached to the agenda item.

Nuvotronics' expansion will be facilitated, in part, by a Job Development Investment Grant (JDIG) approved by the state's Economic Investment Committee on October 30th. Over the course of the 12-year term of the grant, the project is estimated to grow the State's economy by more than \$299 million. Payments for all JDIG and local awards only occur following performance verification that the company has met its incremental job creation and investment targets. JDIG projects result in positive net tax revenue, even after taking into consideration the grant's reimbursement payments to a given company.

Staff is recommending that the County provide \$200,000 in Economic Development Investment funds to Nuvotronics subject to performance goals being met by the Company related to timing and amount of investment, employment creation and maintenance of the created jobs as well as partnership engagement criteria.

This public hearing has been advertised as required by law.

**Alignment with Strategic Plan:** This item aligns with Goal 4: Environmental Stewardship and Community Prosperity to promote and support the community and economic vitality for all residents

**Resource Persons:** Andrew Miracle, Economic Development Officer; Jay Gibson, General Manager Goal 4

**County Manager's Recommendation:** The County Manager recommends that the Board hold a public hearing to consider allocating a total of \$200,000 in Economic Development funds to Nuvotronics and authorize the County Manager to enter into preliminary negotiations and execute an agreement with the Company.

**Attachments:** [Briefing Sheet - Project Legacy](#)

## 9. Other Business (55min)

### [20-0627](#) **Guiding Principles for Development Agreement Community Benefits (20min)**

**Agenda Text:** The Board is requested to endorse the Guiding Principles for Development Agreement Community Benefits.

**Motion:** To adopt the Guiding Principles for Development Agreement Community Benefits.

**Summary.** At the November 2, 2020 work session, Planning Staff presented a draft set of Guiding Principles for Development Agreement Community Benefits (Attachment B) for the Board's consideration. The attached principles reflect the changes and additions requested by the Commissioners at the work session.

Attachments:

**Attachment A:** Resolution on Economic Development Incentives

**Attachment B:** Guiding Principles for Development Agreement Community Benefits

**Alignment with Strategic Plan:** The text amendment emphasizes Goal 4 (Community Prosperity) by offering fair and reasonable regulations for the citizens and business community of Durham while adhering to Goal 5 (Accountable, Efficient, and Visionary Government) by maintaining a transparent government and welcoming public input.

**Resource Persons:** Scott Whiteman, AICP, Planning Manager, and Sara M. Young, AICP, Planning Director

**County Manager's Recommendation:** The County Manager recommends that the Board endorse the Guiding Principles for Development Agreement Community Benefits.

**Attachments:** [BOC Memo DA Revised](#)  
[Attachment A - 2020 RESOLUTION AMENDING ECONOMIC DEVELOPMENT](#)  
[Attachment B - Guiding Principles for DA](#)

### [20-0638](#) **COVID-19 Public Health and Emergency Response Services Update**

**and Final Coronavirus Relief Fund (CRF) Plan Review and Approval (20min), and Approval of Budget Ordinance Amendment No 21BCC000054 Appropriating CARES Act (CRF) Funding of \$8,790,103 to Various County Departments for Related COVID Costs Incurred**

**Agenda Text:**

The Board is requested to receive a COVID-19 public health update and an update on COVID emergency response services funded by the County. In addition, amendments to the County's Coronavirus Relief Fund (CRF) plan and related Budget Ordinance Amendment No 21BCC000054 appropriating CARES Act (CRF) funding of \$8,790,103 to various County departments for related COVID costs.

Chief Emergency Manager Leslie O'Connor will provide the Board a brief update on COVID-19 emergency response services funded by the County. The emergency response services include food security needs, homeless sheltering support, public health measures, PPE update, and local eviction diversion efforts.

A copy of the County's amended final CRF plan has been provided. The County's amended plan reflects recommended changes required to fully expend the County's allocated \$8,790,103 of CRF plan funding (CARES funding) by the December 30, 2020 deadline. The recommendations have been provided after a rigorous compliance review of expenses coded COVID that have not yet been applied toward CARES Act funding. The Finance Department has worked with certain departments in order to maximize the County's usage of the available funds in accordance with the allowable expenditure categories. The expenditure categories include medical expenses, public health expenses, payroll expenses, expenses of actions that facilitate compliance with COVID-19 related public health measures, expenses associated with the provision of economic support, other COVID-19 related expenses reasonably necessary, and grants to municipalities and nonprofits. Funds not spent by December 30, 2020 must be returned to the state. To date, NC Pandemic Recovery Office (NC PRO), the state office responsible for CRF funding, has indicated that no extension of the spending deadline has been provided by the U.S. Treasury Department. The City of Durham has also amended its final plan which has been attached.

An expense that requires Board guidance focuses on provision of economic support. The CRF Plan approved on September 8, 2020 included \$250,000 to support a business mitigation grant program as requested by the Durham Recovery and Renewal Task Force. This request is not moving forward. The City has reallocated their portion (\$250,000) for a small business grant program and to support the Greenlight program, a symptom monitoring and testing support application for the Food Industry developed by Duke Pandemic Response Network (PRN). If the Board would like to keep funding in the plan for direct grants to small businesses, County economic development staff could work with the City's Office of Economic

and Workforce Development to provide these funds for Durham small businesses. The grants would need to be awarded to Durham small businesses by the December 30, 2020 deadline. The County's Economic Development Officer, Andy Miracle, will be available to answer questions regarding the City's small business grant program during the meeting.

Further realignments occurred to the County's plan to repurpose funding in the Public Health category to align with personnel costs associated with managing the pandemic. The original plan allocated \$3,289,921 for public health expenses, with a proposed realignment to personnel expenses associated with COVID-19 management. The \$ 2,503,012 realignment captures cost in the personnel category for the Public Health Department (\$1,758,770) and the Sheriff's Office (\$625,119) for front line workers personnel expenses. An additional \$119,123 is related to IS&T personnel consultants needed for COVID-19. Over \$1.8 million is in the current plan, with \$1.74M already applied to the grant for EMS front line workers related personnel expenses.

The requested Budget Ordinance Amendment No 21BCC000054 appropriating CARES Act (CRF) funding of \$8,790,103 to various County departments for related COVID costs. The dollars supported medical supplies and equipment, increased janitorial services to ensure adherence to CDC Guidelines and security services for county departments and noncongregate housing. Funds also offset personnel cost due to increased workloads, expanded shifts or work realignments to comply with COVID-19 social distancing guidelines. The dollars also covered increased personal protective equipment, temporary housing for the homeless, food support and temporary screeners at county buildings. Finally, CRF dollars supported the purchase of software and hardware technology for remote work efforts resultant from the COVID-19 pandemic.

Public Health Director, Rodney Jenkins, will provide the public health update first, Chief Emergency Manager, Leslie O'Conner, will provide the emergency response services update after the public health update with the CRF review, and approval of the revised plan and budget amendment to follow presented by Susan Tezai, CFO, and Claudia Hager, General Manager.

**Alignment with Strategic Plan:** This item aligns with Goal 2: Health and Well Being for All, Goal 3: Safe Community, and Goal 5: Accountable, Efficient, and Visionary Government

**Resource Persons:** Rodney Jenkins, Public Health Director, Joanne Pierce, General Manager, Susan Tezai, Chief Financial Officer, Claudia Hager, General Manager, Jodi Miller, General Manager, Andy Miracle, Economic Development Officer, Leslie O'Connor, Chief Emergency Manager, Drew Cummings, Chief of Staff, Donna Rewalt, County Extension Director, and Ben Rose, Social Services Director

**County Manager's Recommendation:** The County Manager recommends that the Board receive a COVID-19 public health update and an update on next steps for COVID related services funded by the County. Further, the County Manager recommends that the Board provide guidance on the amended CRF plan and approve the plan for final submission to NC PRO and to approve Budget Ordinance Amendment No 21BCC000054 appropriating CARES Act (CRF) funding of \$8,790,103 to various County departments for related COVID costs.

**Attachments:** [COVID Emergency Response Services Update](#)  
[City AMENDED CRF PLAN MEMO - 11-2-2020](#)  
[Revised CRF Plan - State Template 11.23.20](#)  
[Supplemental Item - CRF Plan Amendment and Budget Amendment](#)  
[COVID Funding Summary 11.23.2020 Update](#)  
[AAF-54 LEGAL Form Appropriate CARES Act Revenue \(\\$8,790,103\)](#)  
[City CRF Funding by Categories - 11-2-2020](#)  
[City RESPONSE TO COUNCIL WORKSESSION QUESTIO..](#)

**20-0654****Board of County Commissioners Discussion on Durham Public Schools (DPS) Classified Salaries (15min)**

**Agenda Text:** The Board is requested to have a discussion on DPS classified salaries.

**Alignment with Strategic Plan:** This item aligns with Goal 1: Community Empowerment and Enrichment

**Resource Persons:** Wendy Jacobs, Chair, Board of County Commissioners

**County Manager's Recommendation:** The County Manager recommends that the Board have a discussion on DPS Classified salaries.

**10. Board and Commission Appointments (10 min)****20-0629****Board and Commission Appointments (10min)**

**Agenda Text:** Monica Toomer, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards:

- Animal Welfare Advisory Committee
- Citizens Advisory Committee
- City-County Appearance Commission
- Durham Community Safety & Wellness Task Force
- Environmental Affairs Board
- Memorial Stadium Authority

The Board of Commissioners recognizes the need to have a representative sample of the citizens of Durham County serve on boards, commissions, committees and authorities. No citizen may serve more than four consecutive terms for 2-year term

boards; three consecutive terms for 3-year term boards; two consecutive terms for 4-year term boards; and one consecutive term for 5 and 6-year term boards in any one position, unless otherwise stated by statute; or there are no other applicants who meet the eligibility requirements. The Equalization and Review Board shall be exempt from these term limits.

**Alignment with Strategic Plan:** This item aligns with Goal 5 Accountable, Efficient and Visionary Government. When citizens are engaged and partners on our Boards and Commissions, the vision of our Strategic Plan is achieved - a thriving, vibrant diverse community with abundant opportunity for all residents to live, work, learn, play and grow.

**Resource Persons:** Monica Toomer, Clerk to the Board

**County Manager's Recommendation:** The County Manager recommends that the Board of County Commissioners vote to appoint a member to the aforementioned Boards and Commissions.

**Attachments:** [11.23.2020 BC Legistar](#)

## 11. Items Pulled from the Consent Agenda (20 min)

## 12. Closed Session

[20-0642](#)

### Closed Session

**Agenda Text:**

The Board is requested to adjourn 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).

**Alignment with Strategic Plan:** This item aligns with Strategic Plan Goal 5: Accountable, Efficient and Visionary Government.

**Resource Persons:** Lowell Siler, County Attorney; Monica W. Toomer, Clerk to the Board

**County Manager's Recommendation:** The County Manager recommends that the Board adjourn to Closed Session and direct staff as appropriate.

## 13. Adjournment