



Durham County

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

Meeting Agenda Board of County Commissioners

Monday, September 27, 2021

7:00 PM

Commissioners' Chambers

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)

21-0591 Announcements (5min)

Agenda Text:

1. **Emergency Rental Assistance Program Deadline** - The Durham ERAP will pause the application intake process beginning October 4, 2021. As of September 18th, the program has 3,000 applications pending with only \$953,000 remaining in the Emergency Rental Assistance Fund - which is combined City/County funding.

To learn more about the pending hiatus and qualifications to receive ERA funding, please visit www.durhamerap.dconc.gov
<<http://www.durhamerap.dconc.gov>>

2. **Early Voting Continues** - Durham County voters have until October 2nd to cast an early ballot for the 2021 Municipal Primary. To learn more about candidates running for office - including the Mayor; voting details or general information, please visit www.dcovotes.com <<http://www.dcovotes.com>>

3. **FREE Virtual Job Fair: Seeking Employers** - The Durham Workforce Development Board and Durham County Library have partnered to offer a FREE, virtual hiring event. Local employers and job seekers, mark your calendars for Wednesday, October 13th from 3pm - 6pm.

Please register by visiting www.bit.ly/employerexporegistration.com
<<http://www.bit.ly/employerexporegistration.com>>

4. **Durham's Minority Enterprise Development (MED) Week** - Durham's MED Week is being recognized virtually beginning October 4th - 8th. This year we will celebrate the achievements of minority entrepreneurs and affirms government, business and community organizations' commitments to the principle of equal opportunity.

To learn more about this year's events, please visit
www.https:2021medweek.eventbrite.com
<[http://www.https:2021medweek.eventbrite.com](https://www.https:2021medweek.eventbrite.com)>

4. Minutes (5 min)

[21-0590](#) Minutes (5min)

Attachments: [Regular Session - August 23, 2021](#)
[Work Session - August 2, 2021](#)

5. Ceremonial Items (30 min)

[21-0572](#) Proclamation to Recognize Minority Enterprise Development Week October 4-8, 2021 (10min)

Agenda Text: The Board is requested to recognize October 4-8, 2021, as Minority Enterprise Development Week (MED Week) in the County of Durham, North Carolina. On November 28, 2016, the Board of County Commissioners approved an ordinance to continue the County's Minority and Women Business Enterprise (MWBE) Program. As a sponsor of MED Week, the County will continue to promote the MWBE Program and efforts to enhance participation in governmental contract awards to minority and women businesses.

Local and National Minority Enterprise Development Programs provide assistance to minority and women groups who own or wish to start or expand their own businesses.

Alignment with Strategic Plan: To align with Goal 1 Community and Family Prosperity and Enrichment by increasing minority and women business participation. In addition, to create awareness and engagement by allowing minority and women businesses to learn about contracting opportunities and events of the Durham County Minority and Women Business Enterprise Program.

Resource Persons: Susan Tezai, Chief Financial Officer; Angela Perry, Procurement Manager; and Keisha J. Davis, MWBE Coordinator.

County Manager's Recommendation: The County Manager recommends that the Board approve the Resolution and recognize October 4-8, 2021, as Minority Enterprise Development (MED) Week in Durham County.

Attachments: [Proclamation - MED Week - October 2021](#)

21-0592 **Proclamation - Fox Family Foundation 30th Anniversary Week (10min)**

Agenda Text: The Board is requested to proclaim the week of September 27, 2021 as Fox Family Foundation 30th Anniversary Week.

The Fox Family Foundation was created in September 1991 by Dr. Frances Hill Fox and is celebrating 30 years of generous philanthropy. Dr. Fox was joined on the original board of the Foundation by her children and other community leaders devoted to improving the quality of life in Durham County and the surrounding area. Since its inception, Fox Family Foundation has contributed to the work of 73 Durham County-based nonprofit programs and organizations across arts, community services, education, and health through grant awards totaling almost \$7.4 million. Fox Family Foundation is dedicated to listening for and responding to shifts in the community, organizational priorities, and new opportunities. Fox Family Foundation's commitment to practical, carefully targeted philanthropy endures through its mission to support and engage with partners in making a positive difference in our community and its continuing vision for a greater Durham area where all people's lives are enriched and improved.

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

Resource Persons: Kate Shirah, Executive Director at Fox Family Foundation

County Manager's Recommendation: The County Manager recommends that the Board proclaims the week of September 27, 2021 as Fox Family Foundation 30th Anniversary Week.

Attachments: [Proclamation - Fox Family Foundation - September 2021](#)

21-0600 **Proclamation - National Community Planning Month (10min)**

Agenda Text: The Board is requested to proclaim October 2021 as Community Planning Month in support of the City-County Planning Department and their work on behalf of the

Durham community.

The American Planning Association (APA) and its professional institute, the American Institute of Certified Planners (AICP), endorse National Community Planning Month as an opportunity to highlight the contributions planning makes to the quality of our communities and environment. The Board of County Commissioners is requested to join APA in highlighting the many positive contributions and significant work of our Planning staff by proclaiming October 2021 as “Community Planning Month” via adoption of the attached proclamation.

Alignment with Strategic Plan: This proclamation is consistent with all five goal areas.

Resource Persons: Sara Young, AICP, Planning Director; Jay Gibson, P.E., General Manager

County Manager’s Recommendation: The County Manager recommends that the Board adopt the attached proclamation to recognize the significant work of our Planning staff by proclaiming October 2021 as Community Planning Month.

Attachments: [Proclamation - National Community Planning Month - September2021](#)

6. Consent Agenda (15 min)

[21-0549](#)

Tipsy Bull Restaurant Lease Amendment

Agenda Text:

The Board is requested to approve the amendment to the lease between Durham County and Tipsy Bull, Inc. increasing the County’s contribution to Tenant Improvements by an amount not to exceed \$83,000 and extending the construction period from 180 days to 275 days.

Tipsy Bull, Inc. entered into a lease agreement for the restaurant suite #150 in the County’s Administrative Building II on March 3, 2021. Tipsy Bull’s owners engaged the services of architects and engineers to design the restaurant upfit, including the design of the HVAC system that will be required. During the design process, it became clear that the cost to purchase and install the system components necessary to serve this space would far exceed the budget that had been established for this portion of the upfit. Multiple meetings were held with the building architect O’Brien Atkins, Tipsy Bull’s design team and the County staff, seeking the most cost-effective solution. Due to various factors, including the supply chain issues and increases in material costs associated with the Covid 19 pandemic, the final cost estimate for the HVAC system exceeded the budget by \$83,000. As this system will be a permanent improvement to the space not just for Tipsy Bull, but for all subsequent tenants of that space, the County has been asked to increase its contribution to Tenant Improvements by this amount. The County’s additional contribution to Tenant Improvements is to be paid in a combination of up to \$43,000 paid in lump sum at the completion of the installation of the HVAC system, and \$40,000 in rent abatement,

calculated at \$1667 per month over the first two years of the lease.

Due to the delay incurred while this issue has been thoroughly evaluated and the additional lead time needed to acquire the components needed to install the HVAC system, and identification of the County's funding source for this additional tenant improvement funding, the construction period in the lease is to be extended from 180 days to 275 days. This means that the restaurant construction must be complete by January 1, 2022.

Alignment with Strategic Plan: The attached Lease Agreement supports Goal 1 "Community Empowerment and Enrichment," and Goal 5 "Accountable, Efficient and Visionary Government"

Resource Persons: Nancy Mitchell, Senior Real Estate Officer; Peri Manns, Deputy Director Engineering and Environmental Services.

County Manager's Recommendation: The Interim County Manager recommends that the Board approve the amendment to the lease between Durham County and Tipsy Bull, Inc. increasing the County's contribution to Tenant Improvements by an amount not to exceed \$83,000 and extending the construction period from 180 days to 275 days.

Attachments: [Tipsy Bull Lease Amendment September 30, 2021](#)

21-0562

Request by NCDOT for the Board of Commissioners to re-affirm a 2007 BoCC Resolution adding streets within the Hardscrabble Subdivision inclusive of Lewisham Drive to the State-maintained Road System

Agenda Text:

The Board is requested to re-affirm both a 1993 and 2007 Board of Commissioners' Resolution adding all streets within the Hardscrabble Subdivision to the State-maintained Road System and also issue a resolution supporting the addition of 0.13 miles of Lewisham Drive from Hardscrabble Drive to the End of Pavement as requested by NCDOT to ensure addition of all streets within the Hardscrabble Subdivision to the State-maintained Road System.

During its December 16, 1993 Regular Session, the Board of Commissioners approved a request to add various streets within the Hardscrabble Subdivision to the State-maintained Road System. This request included Stockbridge Place and Old Buggy Trail. Both roads were subsequently extended under addition phases of development without being added to the State System. NCDOT is requesting the current Board of Commissioners issue a resolution supporting the extension of State Road 2456 (Stockbridge Place) to the end of pavement and State Road 2459 (Old Buggy Trail) from the current end of maintenance to SR1002 (Saint Marys Road). These extensions will result in full NCDOT maintenance of both roads.

Additionally, during both its December 16, 1993 and February 26, 2007 Regular

Session, the Board of Commissioners approved NCDOT requests to add various streets within the Hardscrabble Subdivision to the State-maintained Road System. Lewisham Drive was inadvertently omitted from these requests presented to the Commissioners. NCDOT is requesting the current Board of Commissioners re-affirm their support for the 1993 and 2007 NCDOT Hardscrabble Subdivision Street Addition Resolutions and also issue a resolution supporting the addition of 0.13 miles of Lewisham Drive from Hardscrabble Drive to the End of Pavement. This will ensure all streets within the Hardscrabble Subdivision are fully eligible for NCDOT maintenance activities.

There is no fiscal impact to the County from the proposed actions.

Alignment with Strategic Plan: Goal 4 (Economic Prosperity) and Goal 5 (Visionary Government)

Resource Persons: John Sandor, P.E., District Engineer, NCDOT; Jay Gibson, P.E., General Manager

County Manager's Recommendation: The County Manager recommends that the Board re-affirm the 1993 and 2007 Board of Commissioners Resolution and also issue a resolution supporting the addition of 0.13 miles of Lewisham Drive from Hardscrabble Drive to the End of Pavement as requested by NCDOT to ensure addition of all streets within the Hardscrabble Subdivision to the State-maintained Road System.

Attachments: [Resolution Request for Lewisham Drive](#)

21-0563

Request for Approval of Easement Agreement and Dedication Plat with Duke Energy Carolinas, LLC., (DEC) for the 300 E. Main St. Structured Parking Garage/Affordable Housing Development

Agenda Text:

The Board is requested to approve the attached Easement Agreement and Dedication Plat with Duke Energy Carolinas, LLC (DEC) for an electrical power easement within the 318 Liberty Street tract to support the 300 E. Main St. Structured Parking Garage and Affordable Housing Development. (See attachment 1 - pages 1 - 3)

The agreement will grant access to Duke Energy to install and service the electrical transformers necessary for the structured parking garage and affordable housing development at the 300 E. Main St. site currently under construction. The easement agreement is required by DEC to construct and maintain the electrical facilities which are required to power the new facilities. The dedication plat includes a proposed variable width easement consisting of 1,161 S.F./0.03 acres adjacent to Liberty St.

The County Attorney's Office has reviewed the Easement Agreement and Dedication Plat which is attached for the Board's reference.

Alignment with Strategic Plan: This aligns with Goal 4 - Environmental Stewardship - through the improvement of the environmental performance of County buildings to reduce energy use and greenhouse gas emissions from the built environment. The project also addresses Goal 5 - Accountable, Efficient and Visionary Government - by providing more efficient service delivery and better customer service.

Resource Persons: Peri Manns, ASLA, Assistant General Manager/Deputy Director, Engineering & Environmental Services; James Faress, P.E., Senior Project Manager, Willie Darby, Acting County Attorney

County Manager's Recommendation: The County Manager recommends that the Board approve the attached Easement Agreement and Dedication Plat with Duke Energy Carolinas, LLC (DEC) for an electrical power easement within the 318 Liberty Street tract to support the 300 E. Main St. Structured Parking Garage and Affordable Housing Development.

Attachments: [Durham - MarkOdom - DURHAM COUNTY EASE 318 Libery St. 2021110064-TRANSFORMER POWER EASEMENT PLAT-FINAL](#)

21-0575 Durham County Hacking into History Restrictive Covenant Project Contact Approval

Agenda Text: The Board of County Commissioners (BOCC) is requested to authorize the County Manager and Register of Deeds to enter into a contract with DataWorks in the amount of \$50,000 for funding of the non-profit, DataWorks, NC for the historical discovery and education initiative known as the *Hacking into History Project*. This funding was appropriated within the Register of Deeds FY 22 budget and authorized by the BOCC as part of the FY22 Budget approval.

Hacking into History is a public/private collaboration designed to uncover racially restrictive covenants present in Durham County public records, then through community forums, allow subject matter experts to share how these covenants have impacted Durham across several aspects of society into the modern day.

Through this initiative, the *Hacking into History Project* partners (including the North Carolina Central University's SLIS Library, DataWorks NC, Yinsome Group, the Robinson Bradshaw Law Firm, and the Durham County Register of Deeds Office) intend to continue:

- With the help of residents, searching through Durham County public records from the early 1900's to the late 1960's in order to find and catalog all racially restrictive covenants
- Holding regular public forums to discuss what restrictive covenants are, how they came into effect, what their impact was, and what their legacy is today
- Mapping these restrictive covenants to show the areas of Durham where they

were most prevalent and then link their use to the societal harms they helped bring about

- Creating a safe environment of learning and healing for all Durham residents as they come to a historically accurate awareness of the systemic, institutional, and structural impact that these covenants had
- Provide all collected data as free and unrestricted, so that community residents, leaders and educators can use it as an additional tool to make better informed decisions regarding people and places altered by the legacy of these documents
- Offering free consulting on how to implement similar projects in other municipalities
- Providing input and support to national organizations and trade groups working to help craft nonpartisan state and federal legislation which addresses multiple aspects of reckoning with racially restrictive covenants

Alignment with Strategic Plan: This effort to uncover racially restrictive covenants and then through community-oriented learning, better understand how they have negatively shaped large portions of Durham's community falls broadly under Goal 5: Visionary Government.

Resource Persons: J.T. Tabron, Assistant Register of Deeds

County Manager's Recommendation: The County Manager recommends that the Board authorize the County Manager and Register of Deeds to execute the contract for this project.

Attachments: [DCo - DataWorksNC Contract package 2022](#)

21-0576

Purchase of Parcel ID 171573 - Electra Rd.

Agenda Text:

The Board is requested to authorize the purchase of a vacant lot on Electra Road (parcel ID #171573) for \$15,000, and to authorize the Interim County Manager to execute all legal documents necessary to effect this transaction.

On March 2, 2020, the Board received a report in closed session pertaining to staff recommendation to purchase ten (10) parcels along Electra Road to facilitate the planned upgrade of the Sheriff's Office Firing Range to include classroom space, and improved training capability on this site. The County engaged an outside attorney to perform the title examinations and contact all owners to present offers to purchase. Eight (8) parcels have been purchased thus far.

Property taxes were several years delinquent for four of the ten parcels. Every effort was made to contact the owners of these parcels to purchase them directly, but the owners were not able to be located. Foreclosure by the County Tax Administration was to begin in spring 2020, however, a moratorium on tax foreclosures was implemented due to the Covid 19 pandemic, and no action was taken until the

moratorium was lifted on July 1, 2021.

The foreclosure auction of this parcel was held on September 14, 2021. One other bidder participated in the auction, The County's final bid of \$15,000 was not raised. There is a ten-day upset bid period which ended at 5:00 p.m. on Friday, September 24, 2021 with no upset bid having been tendered. Sufficient funds exist in the Sheriff's Office Firing Range Capital Project DC091 for this acquisition.

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

Resource Persons: Nancy Mitchell, Sr. Real Estate Officer; Jane Korest, Division Manager - Open Space and Real Estate

County Manager's Recommendation: The Interim County Manager recommends that the Board authorize the purchase of a vacant lot, parcel ID #171573, for \$15,000, and to authorize the Interim County Manager to execute all legal documents necessary to effect this transaction.

Attachments: [Electra Rd Map for Agenda item](#)

21-0579

BOCC Approval of Budget Ordinance Amendment No.22BCC00020 moving \$986,000 of COVID-19 Homeless Housing funds and Black Chamber of Commerce funds from the Non-Departmental Fund Center to the Appropriate Departments

Agenda Text:

During the FY 2021-22 budget development process, funding for six months of homeless housing relief related to the COVID-19 pandemic (\$936,000) and the Black Chamber of Commerce (\$50,000) were originally placed in the non-departmental fund center account.

Due to Public Health recommendations homeless populations are being housed outside of a non-profit run homeless shelter to adhere to social distancing guidelines. The socially distancing housing program began in the early days of the COVID-19 pandemic and this FY 2021-22 funding will continue a contract from FY 2020-21.

As this was always only a temporary location of the funds, Budget Amendment No.22BCC00020 moves the appropriated funds to the most logical, and historically located, departments; the Office of Emergency Services (936,000) and Economic Development (\$50,000).

There is no additional County cost associated with this budget amendment.

Alignment with Strategic Plan: Goal Two, Health and Wellbeing for All; Goal Five, Accountable, Efficient, and Visionary Government

Resource Persons: Drew Cummings, Chief of Staff; Anna Hawksworth, Budget

and Management Analyst

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Amendment No.22BCC00020 moving \$986,000 from the non-departmental fund center to the Office of Emergency Services (\$936,000) and Economic Development (\$50,000).

Attachments:

[AAF - 20 Legal Form](#)

[AAF - 20 Move \\$986K to OES and Econom Dev from nondepartmental](#)

21-0580

Property Tax Releases and Refunds for August 2021

Agenda Text:

The Board is requested to approve the Releases & Refunds for the month of August 2021. 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 August 2021.

Releases and refunds for year 2021 total \$1,212,427.11. Prior years' (2016-2020) releases and refunds are in the amount of \$140,567.78. August 2021 releases and refunds total \$1,352,994.89.

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 August 2021 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

Attachments:

[Releases and Refunds Backup Detail-August 2021- September 27, 2021](#)

[Backup-Tax Release and Refunds-August 2021-September 27, 2021](#)

[NCVTS July Refunds](#)

21-0581

Settlement of 2020 Property Taxes and the Charge of 2021 Property Taxes to the Tax Collector

Agenda Text:

The Board is requested to approve the 2020 Tax Settlement and Charge the Tax Collector with the 2021 taxes.

As required by G.S. 105-373, the Tax Administrator is herewith submitting the settlement report of 2020 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 2020-2021.

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 2021 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 2020 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 2021 - 2022.

Attachments:

[Exhibit 1 Resolution Approving Tax Collector's Settlement 2020-2021](#)

[Exhibit 2 Settlement for FY 20-21 Tax Accounts](#)

[Exhibit 3 Settlement of Unpaid Taxes](#)

[Exhibit 4 Tax Collector's Report of Minimal Property Tax Bills\(20-21\)](#)

[Exhibit 5 Accounts Receivable \(2020-2021\)](#)

[Exhibit 6 Tax Collector's Rpt -2020-2021 Unpaid Taxes](#)

[Exhibit 7 2021 Order of Collection \(Charge of Tax Collection\)amended](#)

21-0587

Budget Ordinance Amendment No. 22BCC00025 Social Services to recognize additional Supplemental Chafee (LINKS) funds of \$315,000 to support payments to eligible young people who are in or were in Foster Care who have not benefitted from previous COVID relief efforts (stimulus checks) as part of the John H. Chafee Foster Care Program.

Agenda Text:

The Board is requested to approve The John H. Chafee Foster Care Program - Consolidated Appropriations Act (Public Law 116-260), which supports a successful transition to Adulthood and allows flexibility on the spending of those funds that expires on September 30, 2021. It allows for people who are in or were in foster care that had not benefited from previous COVID relief efforts including stimulus checks. The Program instructions specifically allow a portion of the supplemental funding to be used to provide unrestricted one-time financial assistance to youth/young adults to assist them in meeting their needs during the pandemic. However, the flexibility to provide assistance in this to eligible young adults expires September 30, 2021.

DHHS is instructing counties to provide assistance for this population of very vulnerable young adults. All young adults who were in foster care at age 14 or older and have not yet reached age 27 are eligible. Assessment of financial need is not required, and no county match is required. Depending on age, young person will receive either \$2500 (Age 18-20) or \$5000 (Age 21-26), and Durham County estimates to serve 85 young adults.

The state will advance funds in the amount of \$258,740 to assist with the quick implementation of this program, and the additional allocation will be reimbursed by the state to total \$315,000 to pay out these one-time payments.

These young adults were not eligible for federal stimulus payments, and the state has obtained approval to make these payments to impacted youth using state LINKS funds.

Alignment with Strategic Plan: Goal 2: Health and Well-being for All which decrease health disparities within the community and Goal 3: Safe and Secure Community to improve outcomes for vulnerable, children, youth and adults.

Resource Persons: Ben Rose, Director, Durham County Social Services; Jovetta Whitfield, Assistant Director Child Welfare; and Margaret Faircloth, Assistant Director Business Operations.

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners approve Budget Ordinance Amendment No. 22BCC00025 Social Services to recognize the Supplemental Chafee (LINKS) funding for the Department of Social Services of \$315,000.

Attachments:

[AAF-25 Legal Form](#)

[DCDL CWS 37 2021 Time-Limited Flexibility for use of Supplemental Chafee](#)

[Supplemental Chafee Calculations By County 9.9.2021.xlsxreset](#)

21-0588

Budget Amendment Ordinance No. 22BCC00030 Durham County to recognize \$596,060 in revenue from the City of Durham for the Low Income Homeowner's Relief Program and to approve the Interlocal Agreement between Durham County and City of Durham for the Department of Social Services to administer the Low Income Homeowner's Relief Program.

Agenda Text:

The Board is requested to approve Budget Ordinance Amendment No 22BCC00030 Durham County to recognize \$596,060 in revenue from the City of Durham for the Low Income Homeowner's Relief Program and to approve the Interlocal agreement between Durham County and City of Durham for the Department of Social Services to administer the Low Income Homeowner's Relief Program._

As part of the FY2021-22 budget, the county authorized a new homeowner's grant program to help support homeowner's which has been assumed by the Department as a new program. This program was initially approved with \$750,000 dedicated to operating funds and \$192,119 to support administrative costs using General Fund fund balance appropriation. The City will provide an additional \$500,000 in operating funds and 50% of administrative costs of the program at \$96,060. Durham County's General Fund fund balance appropriation will be reduced by \$96,060, which will be replaced with City of Durham revenue. As this is a shared County and City Initiative, the ILA details how DSS can administer the program to provide tax relief for homeowners on behalf of the county and the city.

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 share funding for the cost of administration.

Alignment with Strategic Plan: Goal 2: Health and Well-being for All which decrease health disparities within the community and Goal 3: Safe and Secure Community to improve outcomes for vulnerable, children, youth, and adults.

Resource Persons: William Rose, Director, Janeen Gordon, Assistant Director, Kelly Inman, Chief Operations Officer, Department of Social Services.

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners approve the Interlocal Agreement between the County and the City for DSS to administer the Low Income Homeowner's Relief Program.

Attachments:

[AAF_ILA_Low Income Homeowners taxrelief program](#)

[TAX RELIEF PROGRAM COUNTY-CITY](#)

[Durham low-income homeowners' relief program \(LIHR\) overview](#)

[AAF-30 Legal Form](#)

21-0598

Budget Amendment No. 22BCC000026 appropriating \$105,500 from Debt Service Fund Fund Balance and Transferring to a new Administration II Upgrade Capital Project (47302635DC152) and Capital Project Amendment No.22CPA00008 Transferring all Unspent Funds (\$573,209.33) from the Administration Building II Renovation Capital Project (47302635DC073) to that same new Administration

Building II Upgrade Project (47302635DC152) for a Total New Project Budget of \$678,709.33**Agenda Text:**

The Board is requested to approve Budget Amendment No. 22BCC000026 appropriating \$105,500 from Debt Service Fund fund balance and transferring to a new Administration Building II Upgrade capital project (47302635DC152), and also Capital Project Amendment No.22CPA00008 transferring all unspent funds (\$573,209.33) from the Administration Building II Renovation Capital Project (47302635DC073) to that same new Administration Building Upgrade II Project (47302635DC152) for a total new project budget of \$678,709.33

The current Administration Building II Renovation capital project which renovated the entire building is now complete. The project was initially funded in FY 2011-12 with most spending occurring between FY 2016-17 and 2018-19. In order to begin depreciation of the now completed capital asset all unspent available funds left need to be transferred out of the project. Further Board action will be requested in the future to officially close this project.

While the Administration Building II Renovation capital project is complete, there are still some minor upgrades needed for the building, and with that in mind a new capital project, Administration Building II Upgrades, is being created, which will support additional HVAC upgrades related to two restaurants housed on the ground floor of the building (see AAF item 21-0549) as well as a few other minor upgrades such as furniture. To support these upgrades, \$573,209.33 of unspent funds from the original Administration Building II Renovation project will be moved to this new capital project. Also, an additional \$105,500 of Debt Service Fund fund balance will be appropriated and added to this new project to support new upgrade(s) costs.

Administration Building II Renovation Capital Project:

Current Budget: \$50,747,129.18

Project Amendment: (\$573,209.33)

Revised Budget: \$50,173,919.85

Administration Building II Upgrade Capital Project:

Current Budget: \$0

Project Amendment: \$573,209.33

Budget Amendment: \$105,500

Revised Budget: \$678,709.33

Alignment with Strategic Plan: This item and related capital projects support Goal 1 “Community Empowerment and Enrichment,” and Goal 5 “Accountable, Efficient and Visionary Government”.

Resource Persons: Peri Manns, Deputy Director of Environmental Engineering, Keith Lane, Budget & Management Services Director

County Manager’s Recommendation: The County Manager recommends that the Board approve Budget Amendment No. 22BCC000026 appropriating \$105,500 from Debt Service Fund fund balance and transferring to a new Administration Building II Upgrade capital project (47302635DC152), and Capital Project

Amendment No.22CPA00008 transferring all unspent funds (\$573,209.33) from the Administration Building II Renovation Capital Project (47302635DC073) to that same new Administration Building II Upgrade Project (47302635DC152) for a total new project budget of \$678,709.33.

Sponsors:

Lane

Attachments:

[AAF-26 LEGAL FORM](#)

[CPA-08 LEGAL FORM](#)

21-0611

Budget Amendment Ordinance No. 22BCC00029 Appropriating \$182,850 of General Fund Fund Balance to Expand DSS Infrastructure support for the Adult and Aging Program and Fiscal Operations and Adding Two New Positions to Support Operations

Agenda Text:

The Board is requested to approve Budget Amendment Ordinance No. 22BCC00029 authorizing two new positions to support the Department of Social Services operations and appropriating \$182,850 of General Fund fund balance to expand DSS infrastructure support for the Adult and Aging Program and fiscal operations. The funding will address increased workloads that have occurred resultant from COVID-19 by adding an additional Adult and Aging Program Manager. Further, additional resources are needed to support the overall fiscal operations and increased compliance requirements within DSS with the addition of a Senior Fiscal Administrator position.

General Fund fund balance appropriation will be used to support the \$182,850 budget increase. At a later period, a budget amendment will occur to allocate the apportioned expenses to ARPA as deemed appropriate.

Alignment with Strategic Plan: Goal 2: Health and Well-being for All by providing increased support for social services.

Resource Persons: Ben Rose, Department of Social Services Director; Joanne Peirce, General Manager; Claudia Hager, Interim County Manager

County Manager's Recommendation: The Interim County Manager recommends that the Board approves Budget Amendment Ordinance No. 22BCC00029 authorizing two new positions to support Department of Social Services operations and appropriating \$182,850 of General Fund fund balance to expand DSS infrastructure support for the Adult and Aging Program and fiscal operations.

Attachments:

[AAF-29 Legal Form GF FB \\$182,850 to expand DSS Adult and Aging and add 2](#)

7. Public Hearings (20 min)

21-0593

Public Hearing Approval - Zoning Map Change, 2104 & 2112 Ellis Road (Z2000042) (20min)

Agenda Text:

The Board is requested to receive additional comments and close the public hearing which was considered at the September 13th Regular Session meeting on the Zoning

Map Change, 2104 & 2112 Ellis Road (Z2000042). After discussion, they are asked to vote on the following two motions:

First Motion: To adopt an ordinance amending the Unified Development Ordinance by taking property out of Residential Rural (RR) and Residential Suburban-20 (RS-20) and establishing the same as Commercial General with a Development Plan CG(D).

Second Motion: To adopt the appropriate Statement of Consistency pursuant to NCGS §160D-605.

Summary.

Jonathan Gindes, of Stackhouse Development LLC, proposes to change the zoning designation of two parcels of land totaling 4.86 acres, and located at 2104 and 2112 Ellis Road. The current zoning is Residential Rural (RR) and Residential Suburban-20 (RS-20). The applicant proposes to change this designation to Commercial General with a Development Plan CG(D).

The properties are currently designated Research/Research Application on the Future Land Use Map (FLUM) (Attachment 3). The proposed CG(D) zoning is inconsistent with the designated Future Land Use. If the proposed zoning is approved, staff recommends a change to the FLUM to designate the property as Commercial.

Since the Planning Commission hearing on July 13, 2021, the applicant has added text commitment 5 to address the commission's request for consideration of a stormwater control measure. This may be found on page one of the development plan (attachment 5).

Attachments:

1. Context Map
2. Aerial Map
3. Future Land Use Map
4. Self-Storage Facilities Vicinity Map
5. Development Plan
6. Zoning Map Change Report
7. Comprehensive Plan Consistency Analysis
8. Transportation and School Impacts
9. BPAC Comments
10. Neighborhood Meeting Materials
11. Zoning Ordinance
12. Consistency Statement
13. Public Interest Statement
14. Application
15. Planning Commission Written 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: Danny Cultra, AICP, Senior Planner, and Sara M. Young, AICP, Planning Director

County Manager's Recommendation: The County Manager recommends that the Board receive additional comments and close the public hearing on the proposed zoning map change application and, if appropriate based on the comments received during the hearing, approve the zoning map change and adopt the appropriate statement of consistency.

Attachments:

[Attachment 00 - Zoning Map Change Report](#)

[Attachment 01 - Zoning Context Map](#)

[Attachment 02 - Aerial Map](#)

[Attachment 03 - FLUM Map](#)

[Attachment 04 - Self-Storage Facilities Vicinity Map](#)

[Attachment 05 - Development Plan](#)

[Attachment 06 - Application](#)

[Attachment 07 - Comprehensive Plan Consistency Analysis](#)

[Attachment 08 - Transportation and School Impacts](#)

[Attachment 09 - BPAC Comment](#)

[Attachment 10 - Neighborhood Meeting Materials](#)

[Attachment 11 - Zoning Ordinance](#)

[Attachment 12 - Consistency Statement](#)

[Attachment 13 - Public Interest Statement](#)

[Attachment 14 - Planning Commission Written Comments](#)

8. Other Business (45min)

21-0612

ARPA Funding Update (45 Minutes)

Agenda Text:

The Board is requested to receive an update on the American Rescue Plan Act funds, with a brief discussion on the proposed rubric for initial feedback. The American Rescue Plan will deliver \$350 billion for state, local, territorial, and Tribal governments to respond to the COVID-19 emergency. Funding will also focus on infrastructure issues that face communities including efforts to bring back jobs. Durham County will receive \$62,445,275.

ARPA funds can support several priorities including a public health response due to COVID-19, address negative economic impacts, replace public sector revenue loss and fund premium pay for essential workers. The federal dollars can also address water, sewer and broadband infrastructure. Funding must be encumbered by 2024 with all invoices paid by 2026.

Alignment with Strategic Plan: Goal 1: Community Empowerment and Enrichment; Goal 2: Health and Well Being for All; Goal 3: Safe Community; Goal 4: Environmental Stewardship & Community Prosperity; Goal 5, Accountable, Efficient and Visionary Government.

Resource Persons: Claudia Hager, Interim County Manager; Jodi Miller, General Manager; Deborah Craig-Ray, General Manager

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners receive the update on ARPA funds.

Attachments: [ARPA Update to BOCC -September 27, 2021](#)
[DRAFT - Durham County Government ARPA Overview](#)
[ARPA Presentation -September 9, 2021](#)

9. Board and Commission Appointments (10 min)

[21-0604](#) 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:

- Audit Oversight Services
- Bicycle and Pedestrian Advisory Commission
- Citizens Advisory Committee
- Community Child Protection/Child Fatality Prevention Team
- Discover Durham Tourism Development Authority
- GoTriangle Transit Advisory Committee
- Historic Preservation Advisory Committee

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 members to the aforementioned Boards and Commissions.

Attachments: [Legistar Attmt - 9.27.2021](#)

10. Items Pulled from the Consent Agenda (20 min)

11. Adjournment