



Durham County

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

Meeting Agenda Board of County Commissioners

Monday, November 22, 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)

21-0708 Announcements (5min)

Agenda Text:

1. **Thanksgiving Holiday** - Durham County Government will close most offices in observance of the Thanksgiving holiday on both Thursday, November 25th and Friday, November 26th. All offices will reopen with their normal hours of operation on Monday, November 29th.
2. **NAIA Football in Durham County** - The 2021 & 2022 NAIA Football Championship and Senior Classis will be held at Durham County Memorial Stadium on December 17th and 18th. Game tickets are available by visiting www.durhamncsports.com <<http://www.durhamncsports.com>>
3. **North Carolina Collection Open** - The NC Collection located on the 3rd floor at the Durham County Main Library is now open. Their hours are Mondays 9:30am - 7:30pm; Tuesday - Saturday 9:30am - 5pm and Closed on Sundays.

For more information and to browse the collection online please visit
www.durhamcountylibrary.org <<http://www.durhamcountylibrary.org>>

- 4. DCo Public Health COVID-19 Vaccination Clinic Hours** - The COVID-19 Vaccine is available that the DCo Department of Public Health located on 414 E. Main Street during the following hours:

- Monday, Wednesday and Thursday - 9am - 4pm
- Tuesday - 9am - 6pm
- Friday - Closed for Select Events

Appointments and walk-ins are welcome, and the 1st, 2nd and 3rd booster shots are available as well. Please note that the clinics are closed daily between the hours of 11:30am and 1pm.

For more information, please visit
www.dcopublichealth.org/COVIDVaccines or call 919-560-9217
<<http://www.dcopublichealth.org/COVIDVaccines%20or%20call%20919-560-9217>>

- 5. Welcome Baby Annual Coat Drive** - Donate gently used and new coats sizes newborn - 7/8 at Cooperative Extension or the following library locations: Main, Bragtown, North, East and South Regional.

Donation are accepted now through January 7, 2022 during their normal business hours. For more information, please visit www.welcomebaby.org
<<http://www.welcomebaby.org>>

- 6. Blasting on Site of the New Northern High School** - Residents and those who work near the site of the new Northern High School should be aware that East Coast Drilling and Blasting will be conducting construction blasting on site at 4616 N. Roxboro Rd, Monday - Friday between 3:30 - 4pm until further notice.

Weather may impact the times and all updates will be available on the Durham County Twitter and Facebook pages.

- 7. It's Your County; Get Involved!** - Durham County Government has over 40 active advisory boards referred to as Boards and Commissions that citizens of Durham County may volunteer to participate by applying for a vacancy. A description of the boards as well a list of vacancies can be found at <https://bit.ly/BoardsDCo>.

If you need additional information, please contact the Clerk's Office at

919-560-0025 or email us at BoardsandCommissions@dconc.gov.

8. **Work for Durham County Government** - Looking for a satisfying career in public service? Join Durham County's local government team and make a difference in your community today. Please visit www.careers.dconc.gov <<http://www.careers.dconc.gov>>

4. Minutes (5 min)

21-0711 Minutes (5min)

Attachments: [Work Session - October 4, 2021](#)
[Regular Session - October 25, 2021](#)

5. Consent Agenda (15 min)

21-0676 Budget Ordinance Amendment No. 22BCC00052 Social Services to Recognize \$236,683.22 from the City of Durham to Administer the Housing Opportunities for Persons with AIDS in the Eligible Metropolitan Statistical Area of Durham County and for the County Manager to Amend the Contract between the City of Durham, Housing Opportunities for Persons with AIDS, and Durham County Department of Social Services

Agenda Text: The Board is requested to approve Budget Ordinance Amendment No. 22BCC00052 Social Services to Recognize \$236,683.22 from the City of Durham to Administer the Housing Opportunities for Persons with Aids in the Eligible Metropolitan Statistical Area of Durham and for the County Manager to amend the contract between The City of Durham, Housing Opportunities for Persons with AIDS (HOPWA) and Durham County Department of Social Services.

These funds also cover administrative activities as follows: coordinate with potential applicants, guide applicants through the application process, collect, store, and maintain applicant documentation, determine eligibility for service(s), issue grant payments on behalf of an eligible applicant. The Department of Social Services is the recipient of HOPWA Program funds and agrees to conduct these activities as authorized by the provisions of the General Statutes of North Carolina at Part 2, Article 13 of Chapter 160D.

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, Department of Social Services, Kelly Inman, Chief of Operations Officer, Department of Social Services, Margaret

Faircloth, Assistant Director, Department of Social Services, and Janeen Gordon, Assistant Director, Department of Social Services.

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners approve Budget Ordinance Amendment No. 22BCC00052 Social Services to Recognize \$236,683.22 from the City of Durham to Administer the Housing Opportunities for Persons with AIDS in the Eligible Metropolitan Statistical Area of Durham County and for the County Manager to Amend the Contract between the City of Durham, Housing Opportunities for Persons with AIDS, and Durham County Department of Social Services

Attachments: [HOPWA Contract FY21-22](#)
[AAF-52 Legal Form](#)

21-0691 Approval of 2022 Board of County Commissioners' Meeting Schedule

Agenda Text: The Board is requested to approve its 2022 meeting schedule. Once the schedule is approved, the Clerk's Office will place all dates on the Outlook calendar and invite all Commissioners and County staff required to attend to accept the meetings.

The approved calendar will be published on the website within 48 hours.

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

Resource Persons: Monica W. Toomer, Clerk to the Board

County Manager's Recommendation: The County Manager recommends that the Board to approve its 2022 Board of County Commissioners' meeting schedule.

Attachments: [BOCC 2022 DRAFT MEETING CALENDAR](#)

21-0692 Trademark Properties Listing Agreement Amendment

Agenda Text: The Board is requested to authorize the Interim County Manager to execute an amendment to the Listing Agreement with Trademark Properties to increase the commission allowance by \$59,435.

Durham County entered into an Exclusive Right to Lease Listing Agreement with Trademark Properties in April 2019. This agreement set out the rate of commission to be paid upon execution of a lease agreement with a tenant in either of the two lease spaces in the County Admin II building. Trademark Properties has done an excellent job of marketing the properties, finding and assisting in negotiations with tenants, and as a result, the County now has two tenants in the process of upfitting the interiors of their lease spaces. Both restaurants are slated to open in the second quarter of 2022.

Funds were set up in the contract initially based on the amount to be paid in commission for the first tenant who was under contract in 2019. Unfortunately, that tenant subsequently terminated their lease due to the Covid 19 pandemic. Two new tenants have been secured, and we are obligated to pay commissions based on the value of those leases.

Alignment with Strategic Plan: The attached contract amendment supports Goal 5 “Accountable, Efficient and Visionary Government”

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

County Manager’s Recommendation: The Interim County Manager recommends that the Board authorize the Interim County Manager to execute an amendment to the Listing Agreement with Trademark Properties to increase the commission allowance by \$59,435.

Attachments: [AAF Supplemental Trademark Listing Agreement Amendment](#)

21-0696

A Request to Petition NCDOT to Remove Akzo Boulevard (SR 2602) from the Secondary Road Maintenance System

Agenda Text:

The Board is requested to petition the North Carolina Department of Transportation (NCDOT) to remove a portion of Akzo Boulevard (SR 2602) from the Secondary Road Maintenance System. First Motion: To approve the resolution requesting abandonment of a portion of State Road 2602, Akzo Boulevard, from the North Carolina state-maintained secondary road system. Summary. The first step in closing a state-maintained road is to request that the NCDOT remove this road from state maintenance. If the Board approves the request and NCDOT agrees to remove the street from the maintenance system, the applicant will then petition the Board to formally close the street.

Attachments:

Attachment 1: SC1900001 Context Map

Attachment 2: SC1900001 Aerial Map

Attachment 3: SC1900001 Street Closing Application

Attachment 4: SC1900001 Street Closing Plat

Attachment 5: SC1900001 NCDOT Resolution

Alignment with Strategic Plan: The street closing emphasizes Goal 3, Safe Community. Closure of a portion of the road, with a replacement route already in place, allows for better emergency response time on a safer road that is better maintained.

Resource Persons: Cole Renigar, Planner, and Sara M. Young, AICP, Planning Director

County Manager's Recommendation: The County Manager recommends that the Board provide a resolution to request the removal of a portion of Azko Boulevard from NCDOT maintenance, if appropriate, based on the discussion to approve that request.

Attachments:

[SC1900001 Memo](#)

[Attachment 1 - Context Map](#)

[Attachment 2 - Aerial Map](#)

[Attachment 3 - SC1900001 Street Closing Plat](#)

[Attachment 4 - SC1900001 Street Closing Application](#)

[Attachment 5 - SC1900001 NCDOT Resolution](#)

21-0698

Property Tax Releases and Refunds for October 2021

Agenda Text:

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

Releases and refunds for year 2021 total \$ 35,414.22. Prior years' (2016-2020) releases and refunds are in the amount of \$109,929.04. October 2021 releases and refunds total \$145,343.26.

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

Attachments:

[Releases and Refunds Backup Detail-October 2021- November 22, 2021](#)

[Backup-Tax Release and Refunds-October 2021-November 22, 2021](#)

[NCVTS September Refunds](#)

21-0706

Nighthawk Security Contract Amendment of \$412,323 for Additional Security Posts at the Durham County Courthouse and Detention Center

Agenda Text:

The Board is requested to review and approve a \$412,323 increase to the Nighthawk Security and Consulting, LLC county contract to pay for additional Nighthawk security posts at the Durham County Courthouse and Detention Center;

as well as authorize the Interim County Manager to execute the contract amendment. Additionally, the Interim County Manager recommends that the Board authorize the Interim County Manager to execute future contract amendments if costs of future amendments have been allocated within the operational budgets of the Security Manager or the Sheriff's Office.

The current screening posts at the Durham County Courthouse and Detention Center are staffed by Sheriff's Office officers. The Nighthawk Security and Consulting service contract amendment would replace the DSO staff with Nighthawk Security and Consulting officers. This will allow the Sheriff's Office to reallocate their staffing resources to deal with current staffing shortages.

The contract amendment (#12) would increase the Durham County Security Services contract budget for FY 2021-2022 by \$412,323, for a total contract amount not to exceed \$3,542,049.72. The Durham County Sheriff's Office will cover the increased contract cost by re-aligning existing lapsed salary dollars. No budget amendment is needed.

In review of the MWBE compliance for RFP 17-026 Durham County Security Services, Nighthawk Security and Consulting is a MWBE certified Black-American Firm and will be utilizing 100% MWBE participation with this contract.

Alignment with Strategic Plan: This action item aligns with the County's Strategic Goal 3: Safe Community.

Resource Persons: Motiryo Keambiroiro, Director of General Services, Sheriff Birkhead, Durham County Sheriff, and Edwin Miller, Security Manager

County Manager's Recommendation: The Interim County Manager recommends that the Board review and approve a \$412,323 increase to the Nighthawk Security and Consulting, LLC county contract for additional Nighthawk security posts at the Durham County Courthouse and Detention Center; as well as authorize the Interim County Manager to execute the contract amendment. Additionally, the Interim County Manager recommends that the Board authorize the Interim County Manager to execute future contract amendments if costs of future amendments have been allocated within the operational budgets of the Security Manager or the Sheriff's Office.

Attachments: [Supplemental Document, Nighthawk Amendment #12 Courthouse & Detention \(](#)
[Nighthawk Contract Amendment #12 Add Post to Courthouse & Detention Ctr.](#)
[Durham County Sheriff Night Hawk Proposal.pdf](#)

6. Public Hearings (30 min)

[21-0697](#) Public Hearing - Unified Development Ordinance Text Amendment,

Updates for Applications and Permits (TC2100004) (30min)**Agenda Text:**

The Board is requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Updates for Applications and Permits (TC2100004); and

First Motion: To adopt an ordinance amending the *Unified Development Ordinance*, incorporating revisions to Article 2, Review Authority; Article 3, Applications and Permits; and Article 12, Infrastructure and Public Improvements; and

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

Summary.

The purpose of this set of amendments is to establish within the Unified Development Ordinance (UDO) the official application procedures for street naming, street closing, and annexation requests that are processed by the Planning Department, relocate and update the statutory development agreements application procedures, and update certain zoning map change procedures.

Attachments:

Attachment A: An Ordinance to Amend the *Unified Development Ordinance* Regarding Permits and Applications (TC2100004)

Attachment B: Consistency Statement per NCGS § 160D-605

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, Planning Manager, 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 TC2100004-final](#)

[Attachment A TC2100004 BOC Ordinance final](#)

[Attachment B TC2100004 BOC Consistency statement](#)

[Attachment C Planning Commission Comments TC2100004](#)

7. Other Business (45 min)**21-0672****Annual Reporting Updates from Downtown Durham, Inc and the Greater Durham Chamber of Commerce (45min)****Agenda Text:**

The Board is requested to receive a presentation on annual reporting from Downtown Durham, Inc. and the Greater Durham Chamber of Commerce. The presentation will focus on year-end reporting from the previous fiscal year, including updates for related programs as well as a look-ahead for the remaining fiscal year. This presentation will satisfy the annual reporting requirement that is contained in each organization's scope of services.

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; Nicole Thompson, President & CEO, Downtown Durham Inc.; Geoff Durham, President & CEO, Greater Durham Chamber of Commerce

County Manager's Recommendation: The County Manager recommends that the Board receive a presentation on annual reporting from Downtown Durham, Inc. and Greater Durham Chamber of Commerce.

Attachments:

[DDI Presentation 11-22-21](#)

[GDCC Presentation 11-22-21](#)

8. Board and Commission Appointments (10 min)**21-0712****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:

- Adult Care Home Community Advisory Committee
- Durham County Women's Commission
- Durham Workforce Development Board
- Historic Preservation Commission
- Nursing Home Community 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 - 11.22.2021](#)

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

10. Closed Session

21-0714

Closed Session

Agenda Text:

The Board is requested to adjourn into Closed Session to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged; pursuant to G. S. 143-318.11(a)(3)

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

Resource Persons: Willie Darby, Acting County Attorney

County Manager's Recommendation: The County Manager recommends that the Board meet in Closed Session and provide direction to staff.

11. Adjournment