



Durham County

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

Meeting Agenda Board of County Commissioners

Monday, May 1, 2023

9:00 AM

Commissioners' Chambers

Work 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.

9:00 am Work Session Agenda

1. Citizen Comments (30 min)

[23-0311](#)

Citizen Comments (30min)

Agenda Text:

The Board of County Commissioners will provide a 30-minute comment period at a meeting once a month. Any citizen of Durham County wishing to speak shall have an opportunity to do so. The Board may direct staff to research and reply to the concerns, if appropriate. Speakers were asked to provide comments prior to the start of the meeting so that staff may reply to comments and/or questions. All speakers are requested to refrain from addressing issues related to personnel matters.

Alignment with Strategic Plan: Citizen engagement aligns with all five of the strategic goals by allowing the Board to receive comments and concerns from the community related to important issues in Durham County.

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

County Manager's Recommendation: The County Manager recommends that the board receive citizen comments and direct staff to respond, as deemed appropriate.

2. Consent Agenda (15 min)

[23-0291](#)

City-County Planning Department FY24 Work Program

Agenda Text: The Board is requested to approve the proposed FY24 Planning Department Work Program.

Summary. The Interlocal Cooperation Agreement between the City and County for merged planning functions charges the Planning Director with preparing and submitting to the Joint City-County Planning Committee, the Planning Commission and both Managers a work program and annual budget that must be forwarded to both governing bodies for approval. The major change to the FY24 Work Program is shifting discretionary staff resources from completion of the new Comprehensive Plan to implementing it through new initiatives including a re-write of the Unified Development Ordinance (UDO).

Attachments:

Attachment A: Proposed Work Program, FY24, Part A, Programs

Attachment B: Proposed Work Program, FY24, Part B, Programs and Descriptions

Motion: To approve the City-County Planning Department FY24 Work Program.

Alignment with Strategic Plan: This request aligns with County Strategic Plan Goal Five, Accountable, Efficient and Visionary Government: An effective organization committed to the pursuit of excellence through collaborative leadership, exceptional customer service, innovations, transparency and fiscal responsibility.

Resource Persons: Sara M. Young, AICP, Planning Director,

County Manager's Recommendation: The County Manager recommends that the Board approve the Proposed FY24 Planning Department Work Program.

Attachments: [WP FY24 BOCC Memo](#)
[Planning WP FY24 Part A](#)
[Planning WP FY24 Part B](#)

23-0293 **Capital Project Amendment No.23CPA00021 Reducing the Budgets of Four DPS Capital Projects by \$1,338,298.48 in 2016 General Obligation Bond Funds and Increasing the 16 GO Bonds Northern High School Replacement Capital Project (5910SH239) by \$1,338,298.48**

Agenda Text: The Board is requested to approve Capital Project Amendment No.23CPA00021, reducing the budgets of four DPS Capital Projects by \$1,338,298.48 in 2016 GO Bonds Funds and increasing the budget of the 16 GO Bonds Northern High School Replacement (5910SH239) capital project by an equal amount.

The projects that DPS will reduce are the Brogden Boiler Replacement capital project (5910SH287), the Districtwide Classroom Furniture capital project (5910SH312), the Structural Analysis capital project (5910SH285), and the Energy

and Sustainability Projects (5910SH314) capital project. DPS is amending the projects listed in order to prioritize capital improvements with available funding. These projects will not be closed as there is still additional funding needed to complete them. DPS will work with County finance and budget to determine how to support these projects in the future.

The budget of the Northern High School Replacement capital project (5910SH239) will be increased by \$1,338,298.48, which will be used to support furniture and equipment purchases.

Project	Current Budget	Increase/ Decrease	Revised Budget	Project Status
16 GO Bonds District-Brogden Boiler Replacement (SH287)			\$493,413.17	(\$14,353.17)
\$479,060.00 Amending				
16 GO Bonds District-Wide Classroom Furniture (SH312)			\$500,000.00	(\$97,269.11)
\$402,730.89 Amending				
16 GO Bonds Structural Analysis-Various (SH285)			\$1,109,937.00	(\$26,676.20)
\$1,083,260.80 Amending				
16 GO Bonds Energy and Sustainability Projects (SH314)			\$3,000,000.00	(\$1,200,000.00)
\$1,800,000.00 Amending				
16 GO Bonds Northern High School Replacement (SH239)			\$101,030,000.10	\$1,338,298.48
\$102,368,298.58 Amending				
TOTAL	\$13,290,533.94	\$0.00	\$13,290,533.94	

Alignment with Strategic Plan: DPS Strategic plan goal is to have adequate, appropriate classroom space for 100% of our Elementary Schools. DPS' plan is to also improve the physical environment to enhance student learning and ensure safety.

Resource Persons: Fredrick Davis, DPS Executive Director, Building Services

County Manager's Recommendation: The County Manager recommends that the Board approve Capital Project Amendment No.23CPA00021, reducing the budgets of four DPS Capital Projects by \$1,338,298.45 in 2016 GO Bonds Funds and increasing the budget of the 16 GO Bonds Northern High School Replacement (5910SH239) capital project by an equal amount.

Attachments: [CPA-21 LEGAL FORM for Transfers and Closures of DPS Capital Projects](#)

23-0301

FY23 Durham Transit Work Program Amendment

Agenda Text:

The Board is requested to approve an amendment to the FY23 Durham Work Program.

As part of the appropriations process for the Durham County Transit Plan, an annual Work Program is developed which includes a budget for the upcoming fiscal year. The Transit Plan Governance Agreement (ILA) determines the process by which the annual budget is developed and approved, and now requires approval by the Durham County Board of Commissioners ("BOCC") and the GoTriangle Board of Trustees.

The Staff Working Group recommended approval of an amendment to the FY23

Durham Transit Work Program on April 19, 2023. The BOCC is requested to adopt the amendment. A memo from GoTriangle Tax District Administration staff is attached describing the amendment. A summary of the amendment is as follows:

- a. Amendment for GoDurham Connect (GoTriangle) - Add \$1,208,282 and decrease North Durham Improvements by \$1,208,282
- b. Amendment for Patterson Place Bus Stops Improvement Project (GoTriangle) - Adds \$166,459
- c. Amendment for Increased Cost of Existing Service (I.C.E.S.) Calculation (City of Durham) - Decreases by \$29,238
- d. Amendment for GoDurham Repower (City of Durham) - Adds \$843,180

In total, the amendment increases the FY23 Durham Transit Work Program by \$980,401.

Alignment With Strategic Plan: This item aligns with Goal 4 (Environmental Stewardship and Community Prosperity). Transportation affects many aspects of our residents' lives including access to education, jobs, and healthcare which may all provide for better opportunities and quality of life.

Resource Persons: Steven Schlossberg, Assistant Director of Budget & Finance, GoTriangle; Ellen Beckmann, Transportation Manager; Brandi Minor, CLGFO, Senior Administrative Officer

County Manager's Recommendation: The County Manager recommends that the Board approve the amendment to the FY23 Durham Transit Work Program.

Attachments: [Durham Q4 Amendment Packet_Durham BOC](#)

23-0310

Request for Consent to Accept Proposed Settlement

Agenda Text:

The Board is requested to authorize the County Attorney's Office to execute the proposed settlement agreements in DOT v. City of Raleigh, et al (18 CVS 1932) and DOT v. City of Raleigh, et al (18 CVS 3817).

The North Carolina Department of Transportation initiated condemnation litigation against several Defendants, one of whom was Durham County. There have been negotiated settlements proposed, and the Plaintiff as well as three of the Defendants have approved consent to the settlements.

The County Attorney's Office has reviewed the proposed settlements and recommends that the Board authorize consent to the settlements.

Alignment with Strategic Plan: This aligns with Goal 5 - Accountable, Efficient and Visionary Government - by avoiding unnecessary litigation and enhancing the viability of affordable air travel to Durham County citizens.

Resource Persons: Al Andrews, County Attorney

County Manager's Recommendation: The County Manager recommends that the Board authorize the County Attorney's Office to execute the proposed settlement agreements in 18 CVS 1932 and 18 CVS 3817.

Attachments: [RDU Condemnation Cases- Notes for BOCC Session \(002\)](#)

3. Discussion Items (215 min)

[23-0317](#)

Carver Creek Supportive Housing Campus Acquisition (60min)

Agenda Text:

The Board is requested to receive a presentation from Housing for New Hope, Inc., a Durham-based non-profit housing and homeless services agency, requests a grant to fund the acquisition and preservation of the Carver Creek Apartments, a 48-unit affordable housing property located at 531 E. Carver Street.

The project would preserve 48-units of affordable housing - units currently scheduled to lose their protective covenants on 12/31/23; secure undeveloped land on the property that, when combined with undeveloped land on the adjoining property already owned by Housing for New Hope, could be utilized to create an additional 45-50 units of affordable housing; and support the phased development of a master planned supportive housing campus including 100-120 units of supportive housing with deeply integrated, on-site services for Durham's most vulnerable citizens.

Alignment with Strategic Plan: This item aligns with Strategic Goal - Community Well-Being

Resource Persons: Russell Pierce, Executive Director for Housing for New Hope, Inc.; Gudrun Parmer, Criminal Justice Resource Center Director and Helen Tripp, EMS Program Manager

County Manager's Recommendation: The County Manager recommends that the Board received the presentation from Housing for New Hope, Inc.

Attachments: [Housing for New Hope Carver Creek Acquisition Request Update](#)
[Housing for New Hope Carver Creek Grant Request 042823](#)
[Letters of Support](#)

[23-0292](#)

Unified Development Ordinance Text Amendment, Simplifying Codes for Affordable Development (TC2200001) (45min)

Agenda Text:

The Board is requested to receive an informational presentation regarding the *Unified Development Ordinance* Text Amendment, Simplifying Codes for Affordable Development (TC2200001).

Summary.

Text Amendment TC2200001 is a privately initiated request to amend various provisions of the Unified Development Ordinance (UDO) to incentivize affordable housing and to

allow additional flexibility in siting and design, predominantly targeted at developing infill housing and small-scale commercial opportunities.

Attachments:

- Attachment A:** Detailed Analysis
- Attachment B:** Draft County Ordinance
- Attachment C:** Engagement Plan
- Attachment D:** Goals and Objectives Alignment
- Attachment E:** Section Summaries
- Attachment F:** Planning Commission Subcommittee Report
- Attachment G:** Planning Commission Written Comments
- Attachment H:** Community Engagement Overview
- Attachment I:** Social PinPoint Community Input
- Attachment J:** Compatibility Changes
- Attachment K:** Letter from Habitat for Humanity of Durham

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: Bo Dobrzanski, AICP, Assistant Planning Director, and Sara Young, AICP, Planning Director

County Manager's Recommendation: The County Manager recommends that the Board receive the information item on the proposed Unified Development Ordinance text amendment.

Attachments:

- [Memo 05.01.23 BOCC WS](#)
- [Attachment A - Detailed Analysis](#)
- [Attachment B- Draft County Ordinance](#)
- [Attachment C- Engagement Plan](#)
- [Attachment D- Goals and Objectives Alignment](#)
- [Attachment E- Section Summaries](#)
- [Attachment F- Planning Commission Sub-Committee Report](#)
- [Attachment G- Planning Commission Written Comments - TC2200001](#)
- [Attachment H- Community Engagement Overview](#)
- [Attachment I - Social PinPoint Community Input](#)
- [Attachment J- Compatibility Changes](#)
- [Attachment K- Letters from Habitat for Humanity](#)
- [SCAD Presentation](#)

23-0318

ARPA Update (30 min)

Agenda Text:

The Board will present an update on the American Rescue Plan Act (ARPA) funds.

The American Rescue Plan will deliver \$350 billion for state, local, territorial, and Tribal governments to respond to the COVID-19 emergency. Durham County received \$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. Funding use can also address water, sewer, and broadband infrastructure and other priorities as identified in the US Treasury Final rule. Funding must be encumbered by 2024 with all invoices paid by 2026.

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, Deputy County Manager

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners receive the report.

Attachments:

[ARPA Presentation - May 1, 2023](#)

[Draft - Affordable Housing Interlocal Agreement](#)

[ARPA Presentation - April 3 2023, BOCC Worksession](#)

LUNCH BREAK

23-0284

National Opioid Settlement Funding - Report on Community Engagement Efforts and Possible Next Steps (20min)

Agenda Text:

The Board is requested to receive an informational report on the County's Community Engagement Efforts regarding the potential use of the National Opioid Settlement Funding.

Durham County began receiving disbursements from the National Opioid Settlement and desired to solicit community input in the use of the funds. An online survey received 554 responses in early 2023 and a town hall event in late March yielded nearly 70 attendees.

Staff will review responses received and provide information on possible next steps.

Alignment with Strategic Plan: This agenda item aligns with Goals 2 (Community Well-Being) and 3 (Safe Community) of the County's Strategic Plan.

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

County Manager's Recommendation: The County Manager recommends that the Board receive the report and provide direction to staff.

Attachments: [BOCC 23.05.01](#)

23-0305

FY24 Durham Transit Work Program (30min)

Agenda Text:

The Board is requested to discuss the FY24 Durham Transit Work Program.

As part of the appropriations process for the Durham County Transit Plan, an annual Work Program is developed which includes a budget for the upcoming fiscal year. The Transit Plan Governance Agreement (ILA) determines the process by which the annual budget is developed and approved. The recently adopted ILA requires approval by the Durham County Board of Commissioners and the GoTriangle Board of Trustees.

The Durham County Board of Commissioners received an informational presentation at the March 6 work session. At the April 19 Staff Working Group (SWG) meeting, the final FY24 Durham Transit Work Program was recommended for approval by a 2-1 vote. The SWG recommended work program and public comments received on the draft work program are attached.

Also included are a Durham County staff memo providing further explanation of Durham County staff's position and a letter from GoTriangle.

On April 21, GoTriangle sent Durham County a letter stating that GoTriangle would no longer allocate 50 percent of the vehicle rental tax to Durham, Orange, and Wake counties in the upcoming FY24 budget. This removes \$1,515,118 from the projected FY24 revenues. Durham County staff recommend that the Board defer action on the work program until after the SWG can meet to consider how to address this change.

Through approval of the FY24 Work Program, the Board will also be approving the designation of the agency hosting the Staff Working Group Administrator. This is proposed to be Durham County starting in FY24.

Alignment with Strategic Plan: Transportation affects many of Durham County's goals including environmental stewardship and community prosperity, access to education, jobs, healthcare, opportunities, and quality of life.

Resource Persons: Ellen Beckmann, Transportation Manager; Doug Plachcinski, Executive Director, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization; Steven Schlossberg, Assistant Director of Budget & Finance, GoTriangle; Sandra Freeman, Chief Financial Officer, GoTriangle; Katharine Eggleston, Chief Development Officer, GoTriangle

County Manager's Recommendation: The County Manager recommends that the Board discuss the FY24 Durham Transit Work Program.

Attachments: [Recommended FY24 Durham Transit Work Program](#)
[FY24 Durham Work Program Public Comments](#)
[AAF - FY24 DTP Work Program - 2023-05-01](#)
[Durham Bus Stop Reporting April 2023](#)
[GoTriangle Durham County FY24 Program Letter 230421](#)
[GoTriangle Letter from Charles Lattuca to Commissioner Howerton Re Vehicle I](#)
[FY24 Program to DurhamBOCC 04282023](#)

23-0294 **Durham County Transit Plan (30min)**

Agenda Text: The Board is requested to receive a presentation and hold a public hearing on the Durham County Transit Plan on May 8, 2023.

The Durham County Transit Plan is required by state legislation that enabled the local option half-cent sales tax for public transit improvements. The plan must be adopted by the Board of County Commissioners, the GoTriangle Board of Trustees, and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Board. The plan was first adopted in 2011, with an update in 2017, and was centered around the Durham-Orange Light Rail Transit project. In 2019, GoTriangle discontinued the light rail project, and there is now a need for a new Durham County Transit Plan. The plan will guide the use of approximately \$1.1 billion for public transit improvements over the twenty-year horizon.

The presentation will include the final recommended Transit Plan. The final Transit Plan was released for public comment in December 2022. Public comments received are attached. The Board is requested to hold a public hearing at the May 8, 2023, Board of Commissioners meeting. Adoption of the plan will be requested on May 22, 2023.

Alignment with Strategic Plan: The development of a new Durham County Transit Plan aligns with the Environmental Stewardship and Community Prosperity goal of the Strategic Plan by providing better transit services that connect to jobs, education, housing, healthcare, and opportunity.

Resource Persons: Ellen Beckmann, Durham County Transportation Manager

County Manager's Recommendation: The County Manager recommends that the Board receive a presentation and hold a public hearing on the Durham County Transit Plan on May 8, 2023.

Attachments: [FY24 Durham Transit Plan Public Comments](#)
[AAF - Durham County Transit Plan - 2023-05-01](#)
[Durham Transit Plan - Final - Presentation - 2023-05](#)
[Durham County Transit Plan_04-25-2023_REDUCED](#)

4. Closed Session

[23-0320](#)

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, in the matter of *Wendell Davis vs. Durham County*, 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

Resource Persons: Al Andrews, County Attorney

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

5. Adjournment