

**THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA**

Monday, July 11, 2022

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Chambers, Second Floor, Durham County Government Administrative Complex, 200 East Main Street, Durham, North Carolina

Present: Chair Brenda Howerton, Vice-Chair Wendy Jacobs and Commissioners Nida Allam, Nimasheena Burns and Heidi Carter

Presider: Chair Brenda Howerton

Opening of Regular Session - Pledge of Allegiance

Agenda Adjustments

Chair Howerton announced that there were no agenda adjustments.

Announcements

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

1. **DCo Public Health COVID-19 Vaccination Clinic Hours** – The COVID-19 vaccination clinic at the Durham County Department of Public Health, 414 E. Main St., has the following hours to get your free vaccination: Monday, Wednesday, Thursday & Friday - 9 a.m. to 4 p.m., and Tuesdays - 9 a.m. to 5:30 p.m. Appointments and walk-ins are welcome, and all doses are available. Please note, clinics are closed between 11:30 a.m. - 1 p.m. daily.

For more information, please visit www.dcopublichealth.org/COVIDVaccines or call 919-560-9217

2. **500 E. Main Street Construction Commencement** - Construction activities for the 500 E. Main St. Mixed Use Development will commence on Monday, July 25, 2022. The southern portion of the 500 E. Main St. parking lot will remain accessible to public vehicular traffic. During construction members of the public will have to utilize the new entrance on Elizabeth Street to access the parking lot. Because some of the sidewalks around the construction zone will be closed, pedestrians will be directed to the intersection of Dillard and Ramseur for street crossing from the parking lot and will be able to enter the Human Services Building using the Dillard St. entrance.
3. **Welcome Baby Needs Summer Clothes Donations** – Welcome Baby is in urgent need of girls and boys summer clothes and shoes! Currently, most of our bins are bare and we need help from the Durham County community! Clothes for 2T to 8 and shoes sizes 8-13 are needed! Donation

hours are Monday through Thursday from 8:30 a.m. to 5 p.m. at the Durham Cooperative Extension building at 721 Foster St. For more information, call 919-560-7150 or visit www.welcombaby.org.

4. **20th Russell E. Blunt East Coast Invitational on July 22-24** – The Durham Striders Track and Field Club will host the 20th Edition of the Russell E. Blunt East Coast Invitational from July 22-24 at Durham County Memorial Stadium, 750 Stadium Dr. For more information on the meet, tickets and more, visit the Durham Striders website at www.durhamstriders.com/blunteci.
5. **Men’s Health Council’s Men on the Move Walk** – Everyone is invited to join the Men’s Health Council of the Durham County Department of Public Health for its monthly “Men on the Move” Walk on Saturday, July 16 from 8:45-10 a.m. at Leigh’s Farm Park at 370 Leigh Farm Rd. Enjoy healthy living tips, warm-up exercises, fellowship and a walk- through nature. For more information, contact Joyce Page at jpage@dconc.gov.
6. **Looking for FREE summer meals for children?** – The Durham Summer Meals Program for children 18 and younger began June 13! Check the Food Resources Map to find locations. Please check the website frequently because there will be more sites added throughout the summer. Find out more information here: <https://durham-area-food-resources-durhamnc.hub.arcgis.com/>.
7. **Help Decorate the 2022 U.S. Capitol Christmas Tree** – The Durham County Soil and Water Conservation District is calling on all Durham County students to take part in the 2022 Capitol Christmas Tree Ornament Project. The tree used at the U.S. Capitol this year will come from one of North Carolina’s forests, and we want to highlight our state’s conservation of our soil and water history, efforts, and natural resources. Let’s make N.C. shine! Contact Lisa Marochak at 919-560-0558 or lmrochak@dconc.gov for more information and how to enter!
8. **Apply Now for Agricultural Economic Development Grant Program** – The Durham County Soil and Water Conservation District is accepting applications for the Fiscal Year 2023 Agricultural Economic Development Grant Program for Farmers and Schools. Small grants for ag development in schools up to \$1,500 and grants for farmers of up to \$7,500 available. These grants are directed a new and beginning entrepreneurs, nonprofits that support agriculture in the county and to support agriculture education in schools. Visit www.dconc.gov/SWCD or contact SWCD staff at 919-560-0558 or sscully@dconc.gov to find out more information.

Vice Chair Jacobs announced the Building Up Local Life Sciences Industry (BULLS) BioWork Academy was accepting applications for the Fall 2022 cohort and offering full scholarships to young adults interested in pursuing a career in Durham’s growing life sciences industry. She added she was representing Durham County in the National Association of Counties (NACo) Familiar Faces Leadership Network Initiative.

Commissioner Burns announced the application process to apply for American Rescue Plan Act funding was open until August 15th. She also announced the Book Harvest Block Party was Saturday, July 16th at Durham Bulls Athletic Park from 1 p.m. – 4p.m.

Citizen Comments

The Durham County Commissioners did not have a Work Session meeting during the month of July. For that reason, citizen were given three-minutes to share comments publicly to the Commissioner and the community.

Jan Paul

Ms. Paul stated the Animal Welfare Advisory Committee reviewed the Animal Control Ordinance and provided an amended draft ordinance and supported the Trap, Spay, Neuter, Vaccinate and Release Program for community cats.

Amanda Wallace

Ms. Wallace stated she was representing the Operation Stop Child Protective Services (CPS). She added Durham County CPS removed three children illegally from their mother and asked the Board to stop CPS from removing children illegally from their parents.

Samantha Wynn.

Ms. Wynn stated CPS removed her grandchildren from her daughter’s home and placed in a home with the father’s sister. She asked the Board to help her daughter retrieve custody of her children.

Chair Howerton stated children were important to the Board; however, legally the Board could not address concerns regarding Durham County CPS.

Minutes

Commissioner Carter moved, seconded by Commissioner Burns to approve the June 6, 2022 Work Session and June 13, 2022 Regular Session minutes.

The motion carried unanimously.

Ceremonial Items

22-0420 Durham County Government Earns Seven (7) 2022 NACo Achievement Awards

Chair Howerton recognized the Durham County departments for their role in being named a 2022 National Association of Counties (NACo) Achievement Award Winner. She stated the seven award programs were Durham County Transit Plan, Durham County Administrative Assistant Chatbot, Board of Election – Ballot Tracking Application, Durham County Social Services (DSS) Low-Income Homeowner’s Relief Program, Durham County Social Services Emergency Rental Assistance Program, Innovation League and Mobile Integrated Healthcare (MIH)/Community Paramedic (CP) Program.

The Board stated the awards reflected the collaboration between departments and the development of innovative ways to deliver and provide information to residents. The Board thanked the award-winning departments for their achievement and for improving the Durham community.

Consent Agenda

Chair Howerton asked the Board if they requested to pull or comment on any items on the Consent Agenda. Hearing none, Chair Howerton entertained a motion for approval.

Commissioner Burns moved, seconded by Commissioner Allam to approve the following items on the Consent Agenda.

The motion carried unanimously.

*22-0321 Budget Ordinance Amendment No. 23BCC00005 Library to Recognize \$2,488 in

Grant Revenue from the State Library of North Carolina to Update Reminiscence Therapy Kits

22-0406 Appoint Voting Delegate - National Association of Counties (NACo) Annual Conference

*22-0413 Budget Amendment No. 23BCC00006 and Capital Project Amendment No.23CPA00004 Appropriating \$500,000 of Sewer Utility Enterprise Fund Fund Balance (\$500K from the Sewer Utilities Enterprise Fund’s Unspent Restricted System Development Fee Funds) and Transferring Those Funds to the HUB RTP Sanitary Sewer and Reclaimed Water Extension Project (SE058) to Cover the Cost of System Improvements, as well as Authorize the County Manager to Execute a Contract Amendment with Pipeline Utilities, Inc., Increasing the Contract by \$691,553 (includes \$500K in System Development Fee Funds and \$191,553 from current budget contingency)

*22-0415 Capital Project Amendment No.23CPA00003 - Closing Multiple Completed Capital Projects

22-0416 Approval of Construction Contract with Riggs-Harrod Builders, Inc. for the Administration Building II TV Studio Upfit. Bid No: 22-034

*22-0417 Budget Ordinance Amendment No. 23BCC00007 County Administration to Increase Expense and Revenue Budgets by \$150,000 to Recognize the City of Durham’s Equal Funding Amount for the Master Aging Plan and Approve the Master Aging Plan Interlocal Agreement

*22-0422 Property Tax Releases and Refunds for June 2022

22-0428 Request to Approve a One-Time Exemption to Article 46 Sales Tax Funding Dedication to Allow Durham Technical Community College to Use \$200,000 for Campus Security Upgrades

Consent Agenda Item #22-0321

**Durham County, North Carolina
2022-2023 Budget Ordinance
Amendment Number 23BCC00005**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2022-2023 budget ordinance is hereby amended to reflect budget adjustments.

<u>Fund Name</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
<u>Expenditure</u>			
Cultural and Recreation	\$15,242,375.00	\$2,488.00	\$15,244,863.00
<u>Revenue</u>			
Intergovernmental	\$68,844,966.00	\$2,488.00	\$68,847,454.00

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

Approved July 11, 2022

Consent Agenda Item #22-0413

**Durham County, North Carolina
2022-2023 Budget Ordinance
Amendment Number 23BCC00006**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2021-2022 budget ordinance is hereby amended to reflect budget adjustments.

<u>Fund Name</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
<u>Expenditure</u>			
General Government	\$750,000.00	\$500,000.00	\$1,250,000.00
<u>Revenue</u>			
Other Financing Services	\$0.00	\$500,000.00	\$500,000.00

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

Approved July 11, 2022

**Durham County, North Carolina
2022-23 Capital Project Ordinance
Amendment Number 23CPA-04**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2022-23 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

Project #	Project Name	Current Budget	Increase / Decrease	Updated Budget
71006011SE058	Hub RTP Sanitary Sewer Line and Reclaim	\$6,920,596.00	\$500,000.00	\$7,420,596.00

All capital projects in conflict herewith are hereby repealed.

Approved July 11, 2022

Consent Agenda Item #22-0415

**DURHAM COUNTY, NORTH CAROLINA
2022-23 Capital Project Ordinance
Amendment Number 23CPA00003**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2022-23 capital project ordinance is hereby amended to reflect budget adjustments for the following projects:

The following list of projects are ready to be closed:

Project Name and Number	Final Budget	Project Status
Detention Center Elevator Upgrade (41904200DC077)	\$2,561,075.64	Closing
16 Telecommunications Upgrade(42001910DC104)	\$1,026,000.00	Closing
Detention Center Officers' Station Impro (43103300DC089)	\$762,845.55	Closing
Detention Center Jail Beds/Hvac Grills (43103300DC090)	\$945,626.00	Closing
Administration Building II Renovation (47302635DC073)	\$50,173,919.85	Closing

16 Go Hub Farm Improvements (59105400SH240)	\$542,314.48	Closing
16 Go Jordan High School Renovations (59105400SH248)	\$1,278,386.38	Closing
16 Go Lowes Grove Roof Replacement (59105400SH262)	\$1,032,835.36	Closing
19 Lf Eno Valley Elementary Roof (59105400SH277)	\$974,876.25	Closing
20 Lf Glenn Roof Replacement (59105400SH278)	\$1,235,992.43	Closing
16 Go - Lowe'S Grove Brick Veneer (59105400SH284)	\$924,754.67	Closing
Pearsontown Es - Paint Interior of Gym (59105400SH300)	\$8,000.00	Closing
DTCC- Newton Building Renovation (59205300CC012)	\$20,187,375.49	Closing
DTCC - Facilities Building (59205300CC013)	\$1,419,660.02	Closing
DTCC - Property Purchase Project (Croc) (59205300CC015)	\$2,900,000.00	Closing
DTCC - Building Demolition (59205300CC016)	\$250,000.00	Closing
Collection Systems Rehabilitat (71006011SE046)	\$3,262,249.24	Closing
Collection Rehabilitation Fy 14 Project (71006011SE050)	\$1,212,918.41	Closing
18 It Hardware Upgrade Project (42001910DC106)	\$2,177,000.00	Closing
Audio-Visual Tech Life Cycle Replacement (42001910DC107)	\$293,231.62	Closing
19 It Hardware Upgrade (42001910DC108)	\$2,893,000.00	Closing
20 It Hardware Upgrade (42001910DC120)	\$2,129,699.00	Closing
20 Audio-Visual Tech Life Cycle (42001910DC136)	\$403,245.00	Closing
20 Telecommunication (42001910DC137)	\$484,000.00	Closing
Hcm Sap Software Upgrade Project (42801000DC086)	\$438,420.74	Closing
Detention Center Security Modifications (43103300DC088)	\$282,808.00	Closing
Downtown Parking Deck Project (47302635DC138)	\$0.00	Closing
Aeration System Improvements Twwtp (71006011SE055)	\$2,096,777.14	Closing
16 Sheriff Technology Upgrade Project (42001910DC105)	\$599,396.48	Closing
Bragtown Branch Library (61102540DC096)	\$19,944.80	Closing

Adopted this the 11th day of July 2022.

Consent Agenda Item #22-0417

**Durham County, North Carolina
2022-2023 Budget Ordinance
Amendment Number 23BCC00007**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2022-2023 budget ordinance is hereby amended to reflect budget adjustments.

<u>Fund Name</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
<u>Expenditure</u>			
General Government	\$153,588,500.00	\$150,000.00	\$153,738,500.00
<u>Revenue</u>			
Intergovernmental	\$68,847,454.00	\$150,000.00	\$68,977,454.00

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

Approved July 11, 2022

Consent Agenda Item #22-0422

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 June 2022.

Releases and Refunds – June 2022

Releases & Refunds for 2022

Personal Property	\$ 4,755.48
Real Property	\$ <u>83,418.08</u>
Total	\$ 88,173.56

Releases and Refunds for 2021 Taxes

Real Property	\$ 43,619.94
Personal Property	\$ 0.00
Motor Vehicle	\$ 0.00
Solid Waste	\$ 0.00
Stormwater Utility	\$ 0.00
VTS Refunds	\$ <u>11,525.04</u>
Total	\$ 55,144.98

Releases & Refunds for Prior Years
2016 - 2020

Real Property	\$ 1,916.45
Personal Property	\$ 0.00
Solid Waste	\$ 0.00
Stormwater Utility	\$ 0.00
VTS Refunds	\$ <u>0.00</u>
Total	\$ 1,916.45
Grand Total	\$ 145,234.99

Other Business

22-0405 Durham County Public Health Focused Update on the COVID-19 Crisis

Rodney Jenkins, Public Health Director shared the *COVID-19/Vaccine Distribution Update* which highlighted the following: *Current COVID-19 Statistics, Current Race and Ethnicity Trends, COVID-19 Percent Positive Labs, COVID-19 Cases Per 100,000 Residents in the Past Seven Days, Usage and Capacity Hospitalization Data, Community Level and Regional Data, Vaccine Updates, Vaccine Dashboard Data for Durham County Residents, Free COVID-19 Testing and Final Thoughts.*

The Board stated the 44,441 positive COVID-19 cases since January 1, 2022 was an astonishing number and asked about the number of deaths since the beginning of year. Mr. Jenkins replied, the original Omicron variant in January 2022 lead to a significant number of positive cases; adding there were 343 deaths in Durham since the start of the pandemic. The Board continued to encourage residents to wear their mask and get vaccinated.

Mr. Jenkins also shared the Monkeypox vaccination was available in Durham County.

Public Hearings

22-0421 Public Hearing – 2022 General Obligation Bond Referendum

Claudia Hager, General Manager share the *Durham County Government Education Bond Referendum* which highlighted the following: *Discussion, Capital Planning Elements, Capital Improvement Plan Highlights, Bond Referendum Process Next Steps, Proposed 2022 Education Bond Referendum, Proposed 2022 Go Bond Referendum, Related Property Tax Bill for Various House Valuations, Timeline Highlights, Supplemental Information, FY 2022-31 Ten Year Capital Improvement Plan, Capital Financing Plan, Property Tax Rate Needed to Support Annual Debt, Capital Improvement Plan Debt Funding FY 2022-23, Annual Debt Service Payment Over Time and Capital Financing Plan.*

The Board asked if a page would be added to the Durham County website with detailed information about the bond referendum. Ms. Hager replied if the Board decided to move forward with the process, a page would be added to the website.

The Board stated due to legal law, they were not able to promote or give advice on the bond referendum.

Monica Wallace, Clerk to the Board shared a report on the process of the General Obligation Bond Referendum.

School Bond Order

Vice Chair Jacobs moved, seconded by Commissioner Allam to open the public hearing on the General Obligation School Bonds.

The motion carried unanimously.

The following citizens supported the General Obligation School Bonds:
Rachel Owens, Karen Prus and Michelle Burton.

Brian Callaway opposed the General Obligation School Bonds.

Commissioner Burns moved, seconded by Commissioner Allam to close the public hearing on the General Obligation School Bonds.

The motion carried unanimously.

Chair Howerton entertained a motion to adopt the General Obligation School Bonds.

Commissioner Carter moved, seconded by Vice Chair Jacobs to adopt the General Obligation School Bonds of \$423,505,000.00 (for Durham Public Schools).

The motion carried unanimously.

Community College Bond Order

Commissioner Burns moved, seconded by Vice Chair Jacobs to open the public hearing on the General Obligation Community College Bonds.

The motion carried unanimously.

The following citizens supported the General Obligation Community College Bonds:
Shaylah Jones, Casey Steinbacher, Bryan Fox and Debra Clark Jones.

Commissioner Burns moved, seconded by Vice Chair Jacobs to close the public hearing on the General Obligation Community College Bonds.

The motion carried unanimously.

Chair Howerton entertained a motion to adopt the General Obligation Community College Bonds.

Commission Burns moved, seconded by Commissioner Carter to adopt the General Obligation Community College Bonds of \$112,740,000.00 (for Durham Tech).

The motion carried unanimously.

Museum Bond Order

Commissioner Allam moved, seconded by Commissioner Carter to open the public hearing on the General Obligation Museum Bonds.

Ayes: Chair Howerton, Vice Chair Jacobs, Commissioners Allam and Carter
Commissioner Burns abstained.

The motion carried.

No citizens were signed up to speak.

Commissioner Carter moved, seconded by Commissioner Allam to close the public hearing on the General Obligation Museum Bonds.

Ayes: Chair Howerton, Vice Chair Jacobs, Commissioners Allam and Carter
Commissioner Burns abstained.

The motion carried.

Chair Howerton entertained a motion to adopt the General Obligation Museum Bonds.

Vice Chair Jacobs moved, seconded by Commissioner Allam to adopt the General Obligation Museum Bonds of \$13,995,000.00 (for the Museum of Life and

Science).

Ayes: Chair Howerton, Vice Chair Jacobs, Commissioners Allam and Carter
Commissioner Burns abstained.

The motion carried.

Approval of the Resolution

First Motion:

Commissioner Carter moved, seconded by Vice Chair Jacobs to adopt a Resolution Calling a Special Referendum on the School Bonds and the Community College Bonds.

The motion carried unanimously.

Second Motion:

Commissioner Allam moved, seconded by Commissioner Carter to adopt a Resolution Calling a Special Referendum on the Museum Bonds.

Ayes: Chair Howerton, Vice Chair Jacobs, Commissioners Allam and Carter
Commissioner Burns abstained.

The motion carried.

22-0421 Public Hearing – Proposed Amendment to the Durham County Animal Control Ordinance

Willie Darby, Acting County Attorney provided an overview of the revisions to the Animal Control Ordinance. He added the decision of which entity would be responsible for trapping and releasing community cats would be made at a later reading of the Ordinance. Mr. Darby thanked the Board, County Manager, General Manager Gudrun Palmer, Durham County Sheriff Clarence Birkhead and staff, Animal Welfare Advisory Committee and Best Friends Animal Society for assisting with the amendment to the Ordinance.

Chair Howerton opened up the public hearing.

The following citizens supported the proposed amendment to the ordinance and Trap, Neuter, Vaccinate and Release (TVNR):

Danielle Bays, Kelsey Gilmore-Futeral, John Graves, James Smith, Sarah Reickman, Shafonda Allen, Allison Chan, Donna Allison and Brian Callaway.

The following citizens opposed the proposed amendment to the ordinance and Trap, Neuter, Vaccinate and Release (TVNR):

Wendy Pinner, Barbara Driscoll and Andrea Hutson

The following citizens emailed the Clerk their public comments:

Deputy Dakota Taylor-Beck

First, I wish to apologize for not being able to be there in person but staffing constraints at the Sheriff's Office has made it difficult for those in our unit especially to be available outside of our work hours. That, however, does not translate to a lesser passion for ensuring that the TNVR ordinance that will be passed is written in the best possible manner for the cats and the citizens.

The biggest point I wish to make is that without the requirement of a colony caretaker this ordinance is not effective to care for cats. We need to have someone we can hold accountable for vetting, feeding, watering, and monitoring the colonies. Simply trapping cats and releasing them back where they were found with no one but "the community" at large to watch over them is violating NCGS for abandonment and for animal cruelty. My biggest plea is that if you pass this ordinance, you require a dedicated caretaker for each colony so we can work collaboratively to make sure all cats in Durham are afforded the appropriate care they deserve.

I firmly believe that there needs to be collaboration with the Sheriff's Office to write an ordinance that is reasonable, effective, and fair, and that was not done in this instance.

Deputy Elmer Gauldin

As an Animal Services Deputy for the County of Durham I would like to weigh in on the TNVR issue. Bypassing this you will be releasing these cats back into the wild, maybe not to breed, but to wreak havoc on native wildlife such as birds, rabbits and chipmunks. Not only that, but the cats are being released back into colonies where they will receive no medical care other than the initial rabies vaccination and diseases such as feline leukemia will run rampant. These cats will be forced to live 2 to 3 years with these diseases until they die slowly. Even simple viruses such as an upper respiratory infection, which we think of as easy to fix, will be fatal for these cats.

In addition to the health and welfare of the animals these colonies can and will continue to destroy citizen's property. With the way the ordinance is written these citizens will have no recourse because the cats will be trapped and released back where they were caught. There is nowhere to safely release these cats without them creating a nuisance to the citizens. Having participated in a TNVR program there is no way that all the cats in a colony will be caught, and the ones not caught will continue to breed. Without removing the colonies this will just slow down the birth rate for a short time until the ones that are not able to be caught have litters of kittens.

Deputy Kenneth R. Baker

I wish to apologize for not being able to be there in-person, but I am assigned to work shift for Animal Services on the night of your scheduled meeting. However, my absence does not translate to a lesser passion for ensuring that the TNVR ordinance that will be passed is written in the best possible manner for the cats and the citizens.

The biggest point I wish to make is that the release of these animals back into areas where individuals do not want them is a true liability to the welfare of the animals and the community. I have experienced in my time with the Sheriff's Office the passion that people have in regard to animals both for and against. If we continue to offer trapping services and then inform the public that we are going to be releasing the animals back onto their property, I fear that individuals will either then harm the animals after they are released or not even call for trapping and harm the animals in the first place. Also, I fear the confrontations that will follow for us as representatives of animal services or whomever is charged with releasing the animals when they have to bring the cats back to these area. I firmly believe that there needs to be collaboration with the Sheriff's Office to write an ordinance that is reasonable, effective, and fair, and that was not done in this instance.

Deputy Zachary Ziman

Thank you for taking the time to read my comments reference the TNVR ordinance. While I wish I could be there in person, my work schedule and personal schedule would not allow. My TNVR comments are reference the rabies virus and microchipping.

Reference the rabies virus, to my knowledge, the trapped cats would only be given a one-year rabies vaccine. A 3-year rabies vaccine is available, and this would be a better choice. However, who would keep up with these cats to make sure that they are continually rabies vaccinated? A community representative would need to be selected to

make sure that the cats are continually vaccinated. Without this, rabies could run rampant through the community cats, and then to other wildlife.

In addition to the rabies vaccinations, I don't recall seeing anything in the proposed ordinance reference microchipping the cats. How would Animal Services Deputies, or an appointed representative, keep track of which cats were caught without a microchip? There are hundreds of cats that look similar, or even identical, and we would not be able to easily tell them apart. Microchipping would be necessary to maintain which cats were trapped.

Charles Miller, DVM

My address is Triangle Veterinary Hospital 3301 Old Chapel Hill Rd. Durham 27707 I am sending this e-mail as a resident of Durham County to let the Board of Commission know that I applaud and support Durham Animal Services and the APS of Durham in their tireless efforts to keep the resident's and animals safe and healthy. I strongly encourage the Board to vote YES on the animal ordinance 22-0291 to allow our county to use TNVR to humanely manage community cats.

Chad Schoen

I write concerning a proposal to trap-neuter-and release feral cats in Durham County. While the idea is well meaning, the effect of such a program would be disastrous for small native animals (birds, lizards, small snakes). The problem is that this would legitimize feral cat colonies and thus lead to an increase of predation on native species.

Cats are instinctively killers and the toll they take on birds is enormous, in the BILLIONS. I have seen a neighbor's cat rob and ruin a cardinal's nest in my yard. The same cat went by my front window not long ago with a small rabbit in its mouth. It turned out that it had not killed the rabbit but was playing with it. My cat owning neighbors who let their cats outside seem to be completely unaware of the fact that they spend much of this time hunting and that they are often successful. The only way to deal with our enormous overpopulation of cats is euthanasia. Every cat left free in the wild will kill large numbers of birds. Many of the birds in our Durham city neighborhoods nest on the ground. I observed a few years ago Carolina wrens tending to their nest under the ground cover (periwinkle) in front of my living room window. Quite a few species nest ONLY on the ground and are thus especially vulnerable to cats. We have lost many species of birds in the city of Durham since I moved here. What happened to the Whip-poor-wills? the screech owls? the nighthawks? Scientists have shown that we are losing our birds at an enormous rate. Please to do not out of ignorance accelerate this process!!!

A better solution would be to partner with the New Hope Audubon Society to educate the citizens of Durham to the effects of feral cats on our native species.

Deputy Ashley Coward

I would like to apologize for not being able to be there in person. We are currently having staffing issues and with the amount of animal calls we receive it makes it tough for us to break away. I would like to point out a couple of issues that can arise from the TNVR ordinance. Not only will someone need to be in charge of taking care of these colonies, monitoring them and making sure the cats stay healthy.

Also, when the cats aren't healthy, needing medical attention, rabies exposure, etc., where and who will house them? The Animal Shelter is already struggling with the cat intakes that we bring it as it is. The citizens often come to us for traps because they do not want feral cats on their property. The cats bring more damage to them than benefits. In this instance trapping almost becomes a service that we cannot give to the public anymore due to them being trapped and released back in that area.

If the ordinance is passed, I just ask that we are all able to work together (sheriff's office included) ensure that the cats will be taken care of completely and that the public understands that we may not be able to just make the cats disappear if they are to be trapped and released back. I also want to be able to give citizens answers to their animal problems as best as we can and serve the community.

Danielle Bays

Dear Commissioners,

The Humane Society of the United States (HSUS), the nation's largest animal protection organization, understands that managing community cats is a complex issue that concerns many local leaders and agencies mandated to serve and protect the public. Cat management should be designed to protect public safety, protect cats, and provide animal control agencies with effective, proactive, humane tools to manage cat populations. We support and promote strategic, non-lethal management of community cats who already exist outdoors through sterilization and vaccination efforts, such as trap-neuter-return (TNR) and strongly encourage the passage of 22-0291.

We support the efforts of local stakeholders to implement TNR and other proven strategies for addressing free-roaming cats for the benefit of all residents of Durham County. Our publication, *Managing Community Cats: A Guide for Municipal Leaders*, outlines the efficacy and benefits of non-lethal management for unowned community cats.

Community cat programs are now the standard for animal shelters across the country, combining community-based trap-neuter return with shelter policies allowing healthy stray cats to be sterilized and vaccinated then returned to their outdoor home and efforts to rehome young kittens. Many agencies partner with other organizations in the community to ensure services to community cats and the people who care for them, with more than half directly participating in sterilizing and returning cats. It's estimated that almost one third of shelters have staff positions dedicated to community cat programs.

After a century of removing cats from the outdoors without having an impact on their numbers, shelter professionals have found trap-neuter-return based programs are far more effective in both saving lives within the shelter and decreasing the overall population of free-roaming cats in our communities. A number of studies have been published to support this:

- A community cat program at the University of Central Florida in the 1990s reduced cat population by 85% over the course of 10 years.
- A population of over 300 cats in Newburyport, MA was eliminated through a concerted TNR effort paired with rehoming of adoptable kittens.
- A 67% decrease in cat population was found in a Chicago neighborhood targeted for TNR, over the course of 8 years.
- A study of TNR in rural North Carolina compared the impact of TNR with control groups. There was a 36% mean decrease where TNR was employed (range 30-89%) versus a 47% mean *increase* of control groups – where the actual increases across the three sites were 31%, 127%, 283%.

Sadly, kittens born to the cats currently living outdoors, if not sterilized, will continue to fill the shelter at taxpayer expense or they will perish – only 25% of kittens born outdoors survive past 6 months of age. These deaths are preventable with TNR.

A study of data from before and after community cat programs were implemented six shelters across the country found a 40% decline in kitten intake with a 32% decline in overall cat intake and a corresponding 87% decline in kittens euthanized and an 83% decline in overall feline euthanasia.

TNR is less expensive than trapping and impounding cats, caring for them during their stray hold, and providing an outcome – be that adoption, transfer, or euthanasia. Fewer cats needing government assistance means a decrease in municipal costs. Moreover, agencies employing community cat programs have documented decreases in complaints about cats – some by 90%. Sterilized cats are less likely to roam or fight over territory, don't engage in noisy mating rituals, and obviously don't reproduce – all common sources of nuisance complaints about cats.

The National Animal Care and Control Association, a professional organization for animal control and humane law enforcement officers, also favors TNR over trap and remove. In a statement on Animal Control Intake of

Free-Roaming Cats, it states: It is the position of NACA that indiscriminate pick up or admission of healthy, free-roaming cats, regardless of temperament, for any purpose other than TNR/SNR, fails to serve commonly held goals of community animal management and protection programs and, as such, is a misuse of time and public funds and should be avoided.

A trap-and-remove management scheme is simply ineffective and expensive. Consider a scenario where an officer traps and removes a portion of the cats, possibly satisfying the initial complaints. The remaining cats will reproduce, and the population will return to the level it was prior to the officer's trapping. The officer will again respond to complaints by removing those cats who are easily trapped, while the remaining cats produce new kittens. The cycle continues and the problem is never solved. The costs associated with various community cat management strategies implemented over the course of ten years was analyzed in a peer-reviewed paper published last year. A summary of the finding is outlined in Guidance to Better Manage Free-Roaming Cat Populations.

Working alongside humane organizations and compassionate citizens to sterilize and stabilize the community's cat population can achieve the shared goal of fewer unowned cats outdoors. Fewer outdoor cats mean fewer community complaints and a reduced risk of predation on wildlife. Moreover, allowing residents to openly manage cat colonies promotes the adoption of sanitary feeding practices, identification and intervention of new cats to the colony – who may be lost or abandoned – so that they may be reunited or rehomed, and collaboration with authorities when a problem arises. By clearing pathways for cats to be sterilized, an overall reduction in the community's outdoor cat population can be realized more quickly. We recommend Durham adopt an ordinance that allows for TNR-based programs for managing outdoor cat populations and reducing both the number of free-roaming cats in the community as well as stemming the number of these cats that need to be handled by the shelter.

We respectfully ask for passage of ordinance 22-0291. Thank you for considering our comments to make your community a healthier and safer place for people, cats, and wildlife.

Dr. Josh Fisher and Elizabeth Overcash

Dear Chair Howerton, Vice Chair Jacobs, Commissioner Allam, Commissioner Burns, and Commissioner Carter:

We are reaching out to you on behalf of the North Carolina Animal Federation (NCAF) to express our support for 22-0291, a proposed amendment to Durham County's Animal Control Ordinance that would allow for the establishment of humane community cat management programs in Durham County.

Durham County's Animal Control Ordinance, as it currently stands, allows for no effective method of managing community cats in Durham and instead only supports a practice of trapping and killing healthy, free-roaming cats. This outdated and inhumane practice is ineffective at controlling community cat populations and sits in sharp contrast to Durham's generally forward-thinking and evidence-backed policies.

Decades of experience in animal sheltering have taught us that the trap-and-euthanize model of managing community cats is not only inhumane—both to the cats who are killed and to the animal sheltering professionals who must euthanize hundreds of healthy cats annually—but also ineffective at reducing community cat populations. Removing cats from a location creates a vacuum where the cats have been removed but the resources that were supporting the cats remain. More cats quickly fill this vacuum, restoring the cat population and starting the cycle over again after having wasted time, resources, and taxpayer dollars.

The only effective method of managing community cat populations is through trap-neuter-vaccinate- return (TNVR) programs. TNVR programs benefit the community in multiple ways, including by reducing community cat populations and the number of kittens born outdoors; improving the health of community cats through vaccination and decreasing the risk of rabies spread; and reducing nuisance behaviors associated with unaltered cats looking for mates. TNVR is considered a best practice in animal sheltering and is supported by numerous North Carolina shelters as well as by national organizations such as the National Animal Care and Control Association and the American Bar Association.

The proposed changes to Durham County’s Animal Control Ordinance would remove the language that prohibits TNVR in Durham County and would allow those professionals who are experts in the sheltering field to look at best practices in the industry to develop a community cat management plan that works for Durham County. For these reasons, NCAF strongly supports the proposed changes.

NCAF is an association of professionals from public agencies and non-profit organizations throughout the state of North Carolina. Currently, we have more than 150 members, including 50 organizational members. Additional information about NCAF, including the training we offer for professional development, may be found on our website (<https://ncanimalfederation.org/>).

Thank you for your attention to this important issue affecting animals and people in our community. We are available to speak with you further and address any questions that may arise in your discussions of these proposed changes. You can reach us directly at the contacts below.

Chair Howerton closed the public hearing.

The Board thanked the residents for expressing their opinions and suggestions and stated the proposed amendment to the ordinance would allow the County to use a policy and TVNR to help manage community cats in Durham and preserve natural wildlife. The Board thanked Mr. Darby and staff for the proposed amendment.

The Board recommended a revision to Mr. Darby’s suggested motion.

Commissioner Carter moved, seconded by Commissioner Allam to adopt the Trap, Neuter, Vaccinate and Release Program for community cats with the Animal Welfare Advisory Committee (AWAC) amendments to the present ordinance as the model, along with any necessary corrections or additions, with the understanding of Durham County working with the Sheriff’s Office, AWAC, the Animal Shelter, Animal Protection Society and other relative parties to develop procedures and regulation that would be required for the TVNR Program and the finalized ordinance would be brought back to the Board within six months from August 1, 2022 (which would be February 1, 2023).

The motion carried unanimously.

Board and Commission Appointments

Willie Darby, Senior County Attorney announced the voting results.

The Board made the following appointments (incumbents are identified with an (i). Individuals who are recommended by a Board are underlined.) Individuals listed in bold print were appointed.

Alcoholic Beverage Control Board

(i)**Daniel Edwards** (Allam, Burns, Carter, Howerton, Jacobs)

(i)**Frachele Scott** (Burns, Carter, Howerton, Jacobs)

Nana Asante-Smith (Allam)

Durham Convention Center Authority

Nicole Thompson (Allam, Burns, Carter, Howerton, Jacobs)

Durham County Women's Commission

Vanessa Safie (Allam, Burns, Carter, Howerton, Jacobs)

Katie Shirah (Allam, Burns, Carter, Howerton, Jacobs)

Juvenile Crime Prevention Council

Alex Hurdle (Allam, Burns, Carter, Howerton, Jacobs)

Closed Session

Chair Howerton stated the board was requested to adjourn to Closed Session for the following:

- To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract; pursuant to G.S. 143-318.11(a)(5).
- To consult with an attorney employed by Durham County to preserve the attorney-client privilege between the attorney and the public body in the matter of case number 20 CVS 3058, McGirt v. Durham County Government, et.al; pursuant to G. S. 143-318.11(a)(3).

Commissioner Vice Chair Jacobs moved, seconded by Commissioner Burns to adjourn into the Closed Session.

The motion carried unanimously.

Reconvene to Open Session

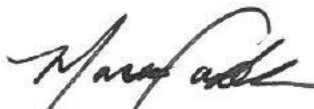
Chair Howerton announced the Board met in Closed Session and provided direction to staff.

Adjournment

Commissioner Carter moved, seconded by Commissioner Allam to adjourn the Regular Session meeting at 10:55 p.m.

The motion carried unanimously.

Respectfully Submitted,



Macio Carlton
Deputy Clerk to the Board