

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

Monday, September 12, 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 walk-in 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 Tuesday: 9 a.m. to 5:30 p.m. New booster shots are available. Please note, clinics are closed between 11:30 a.m.-1 p.m. daily.

Visit www.dcopublichealth.org/COVIDVaccine or call 919-560-9217 for more information.

2. **Durham Low-Income Homeowners Relief Program (LIHR)** – The new and improved Low-Income Homeowners Relief Program (LIHR) is here! LIHR provides property tax help on current taxes for eligible homeowners. Tax assistance based upon a 3-tiered income model and other improvements. Apply between Aug. 1, 2022 and Jan. 31, 2023 at www.DCONC.GOV/DSS or call 919-560-8000 for an appointment.
3. **Children's Vaccine Event on Sept. 15** – The Durham County Department of Public Health wants all children in our community get caught up on vaccinations required for school. They will be holding the final Childhood Vaccination Day at the Human Services Building on Thursday, September 15. Vaccines given at clinic 6 on the first floor. Call 919-560-7608 to schedule your appointment.

4. **Durham Food Security Network** – Interested in helping unite efforts and transforming systems to ensure that all people have access to enough safe and nutritious food? Join the Food Security Network to help create a food system that is equitable, resilient, and sustainable. Sign-up for the listserv and join the conversation at: <https://gaggle.email/join/dcofs@gaggle.email>.
5. **Women’s Health Awareness 2022 Conference** – Register for the Women’s Health Awareness Conference 2022: “Your Job is Your Health” on Saturday, Sept. 17 from 10 a.m. to 4 p.m. at North Carolina Central University Student Center, 500 Nelson Street. Register at <https://niehs.nih.gov/WHAconference>
6. **A Walk in Honor of Vietnam Veterans** – The Men’s Health Council of the Durham County Department of Public Health invites everyone to “A Walk in Honor of Vietnam Veterans” on Saturday, September 17 from 9 to 10 a.m. at 500 W. Murray Ave. Guest speaker will be Sgt. Jerond Belton, designer of the Vietnam Veterans Living Memorial. Questions? Contact Joyce Page at jpage@dconc.gov
7. **Fall Ball for All at North Regional Library** – Join us at North Regional for a Fall Extravaganza on Wednesday, Sept. 21 from 5 to 7 p.m.! Spend the evening together crafting, playing games, and face painting. A limited number of free hotdogs will be available for dinner. First come, first served! Come meet community partners and learn about great library resources. This event is free with activities for children, teens, and adults. Find more information at www.durhamcountylibrary.libcal.com/event/9482415
8. **Safe Schools Summit 2022** – Join Durham Public Schools, Durham Law Enforcement Agencies and Durham Emergency Management teams to learn about plans for maintaining safe schools. The Summits will be held on Monday, September 19 from 6-7:30pm at Jordan High School and Monday, September 26 from 6-7:30pm at Southern School of Energy & Sustainability. This event is **FREE** and open to the public. Please register by visiting www.bit.ly/SafeSchoolsSummit22
9. **Next Sheriff Speaks Session on Sept. 27** – Join Durham County Sheriff Clarence Birkhead and Stephanie Satkowiak, JD Domestic Violence Specialist, Court Programs Division and Deputy L. Hamlett, Durham County Sheriff’s Office Detective, Domestic Violence, as host a community discussion on Domestic Violence. This session will be held on Tuesday, Sept. 27 at 5:30 p.m. at Main Library, 300 N. Roxboro St. Everyone is invited to attend. Questions, contact pio@durhamsheriff.org
10. **Sample Ballots for 2022 General Election Available** – Sample ballots for the November 8, 2022 General Election are available from the North Carolina State Board of Elections. To find out how to view your specific sample ballot, visit <https://www.dcovotes.com/voters/current-elections/sample-ballots>

Chair Howerton asked for a moment of silence to honor 9/11 and the passing of former County Attorney Lowell Siler.

Vice Chair Jacobs announced events happening in Durham on Saturday, September 17th, including the Veterans Resource Fair and Stand Down held at the Family Life Center of Greystone Church,

CenterFest, The Boys of Color Summit at Lyons Park Community Center and Durham Public Schools Assembly Day at W. G. Pearson Elementary School.

Minutes

Commissioner Burns moved, seconded by Commissioner Carter to approve the August 1, 2022 Work Session, June 27, 2022 and July 11, 2022 Regular Session minutes.

The motion carried unanimously.

Ceremonial Items

22-0515 Proclamation – National Recovery Month

Commissioner Carter read the following proclamation:

NATIONAL RECOVERY MONTH | 2022

- WHEREAS,** behavioral health is now recognized as an essential part of one's overall health and well-being; and
- WHEREAS,** the costs of not encouraging mental health and substance use recovery is significant for individuals, families, neighborhoods and the community at large; and
- WHEREAS,** recovery from mental and substance use disorders occurs every day through a variety of prevention, recovery support resources and treatment programs. People in recovery strive to achieve healthy lifestyles, stable homes, meaningful daily activities, stronger neighborhoods and contribute in positive ways to the larger community; and
- WHEREAS,** the burden of mental illness in the United States is among the highest of all diseases, and mental disorders are among the most common causes of disability. Recent figures suggest that approximately 1 in 4 adults in the United States had a mental health disorder in the past year¹ and 1 in 17 had a serious mental illness. Mental health disorders also affect children and adolescents at an increasingly alarming rate. People, including children and adolescents, with untreated mental health disorders are at high risk for many unhealthy and unsafe behaviors, including alcohol or drug misuse, violent or self-destructive behavior, and suicide.
https://www.cdc.gov/mmwr/preview/mmwrhtml/su6003a1.htm?scid=su6003a1_wsorder. In addition, data from CDC's National Center for Health Statistics indicate that there were an estimated 100,306 drug overdose deaths in the United States during the 12-month period ending in April 2021 and that overdose deaths from opioids increased to 75,673 in the same period representing approximately 75% of all overdoses, primarily due to fentanyl. The CDC also notes that fentanyl is now being combined with many other drugs and significantly increases the chance of an accidental overdose. Given these statistics, we must strive to reduce the stigma and shame associated with brain disorders and help individuals, families and the larger community learn to view them as we would any other medical condition. <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>
- WHEREAS,** to help more people achieve and sustain long-term recovery, the U.S. Department of Health and Human Services (DHHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), and the Recovery Community Of Durham (RCOD) invite all residents of Durham County, North Carolina to participate in National Recovery Month.

NOW THEREFORE, I, Brenda A. Howerton on behalf of the Durham Board of County Commissioners do hereby proclaim the month of September 2022 as

“NATIONAL RECOVERY MONTH”

in Durham County, and call upon the people of Durham County to observe this month with appropriate programs, activities, and ceremonies to celebrate people in recovery and those who support them. Everyone's journey is different, but we are all in this together.

This the 12th day of September 2022

Brenda Howerton, Chair
Durham Board of County Commissioners

Michelle McKinney, Peer Support Specialist introduced Larry McGill, Chairman of the Recovery Community of Durham. Mr. McGill thanked the Board for the proclamation and stated he was in long-term recovery for 34 years. He announced Durham would celebrate National Recovery Month on Friday, September 16th from 5:30 – 8:30p at Durham Central Park with events and activities.

The Board thanked Ms. McKinney and Mr. McGill for supporting and celebrating the Durham Recovery Community. The Board stated Durham County would receive Opioid Settlement funds to be used for treatment, recovery, harm reduction and other life-saving programs.

22-0516 Resolution – Supporting Operation Green Light for Veterans

Vice Chair Jacobs read the following resolution:

SUPPORTING OPERATION GREEN LIGHT FOR VETERANS

- WHEREAS,** Durham County residents have great respect, admiration, and the utmost gratitude for all of the men and women who have selflessly served our nation and this community in the Armed Forces; and
- WHEREAS,** the sacrifices and contributions of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our community; and
- WHEREAS,** Durham County seeks to honor these individuals who have paid the high price for freedom by placing themselves in harm's way for the good of all; and
- WHEREAS,** Veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and by functioning as County Veteran Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and
- WHEREAS,** Approximately 200,000 service members transition to civilian communities annually; and
- WHEREAS,** an estimated 20 percent increase of service members will transition to civilian life in the near future; and
- WHEREAS,** studies reveal that 44-72 percent of service members experience high levels of stress during transition from military to civilian life; and
- WHEREAS,** Active Military Service Members transitioning from military service are at a high risk for suicide during their first year following military service; and

WHEREAS, the National Association of Counties (NACo) encourages all counties, parishes and boroughs to recognize Operation Green Light for Veterans.

WHEREAS, Durham County appreciates the sacrifices of our United State Military Personnel and believes specific recognition should be granted.

NOW, THEREFORE, BE IT RESOLVED, that we, the Durham Board of County Commissioners hereby declare from October through Veterans Day, November 11th, 2022, as a time to salute and honor the service and sacrifice of our men and women in uniform transitioning from Active Service.

BE IT FURTHER RESOLVED, that in observance of Operation Green Light, Durham County encourages its citizens in patriotic tradition, to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying a green light in a window of their place of business or residence.

This the 12th day of September 2022.

Brenda A. Howerton, Chair

Wendy Jacobs, Vice-Chair

Nida Allam, Commissioner

Nimasheena Burns, Commissioner

Heidi Carter, Commissioner

Chair Howerton stated the National Association of Counties (NACo) invited the nation’s counties to join and show support for veterans by lighting the buildings green from November 7th -13th. Commissioner Burns stated Homes for Our Troops was holding a Key Ceremony for retired Marine Corporal Derrick Sharpe who was injured in Iraq.

22-0561 World Alzheimer’s and Dementia Awareness Day

Commissioner Burns read the following proclamation:

WORLD ALZHEIMER’S AND DEMENTIA AWARENESS DAY | 2022

WHEREAS, September 21st is World Alzheimer’s and Dementia Awareness Day; and

WHEREAS, Dementia is a syndrome in which there is deterioration in memory, thinking, behavior, and the ability to perform everyday activities. Alzheimer’s is the most common cause of dementia; and

WHEREAS, Dementia is the 7th leading cause of death worldwide, and 6th leading cause for North Carolina; and

WHEREAS, there is no known treatment currently available to cure dementia or to alter its progressive course; care and support can be given to enhance the quality of life and well-being of persons with dementia; and

WHEREAS, Durham County supports the vision of a dementia-inclusive community where all persons with dementia are valued and fully supported in their pursuit of quality of life and well-being; and

WHEREAS, Durham County invites you to join in partnerships, collaborations, and advocacy efforts to promote well-being, inclusion, and health equity for persons with dementia.

NOW, THEREFORE, BE IT RESOLVED I, Brenda Howerton, Chair of the Durham Board of County Commissioners and on behalf of the Durham Board of County Commissioners, do hereby proclaim September 21, 2022 as

“WORLD ALZHEIMER’S AND DEMENTIA AWARENESS DAY”

in Durham County, North Carolina. We commend this observance and urge everyone to join with Dementia Inclusive, Inc. to honor older adults with dementia, on September 21st and throughout the year.

This 12th day of September 2022.

Brenda Howerton, Chair
Durham Board of County Commissioners

Susan Sowell, Dementia Inclusive, Incorporated Board member thanked the Board for the proclamation and stated the proclamation would bring attention to Alzheimer’s and Dementia as a community concern. She shared that she was the daughter and granddaughter of women diagnosed with Alzheimer’s.

The Board thanked Ms. Sowell for sharing how Alzheimer’s affected her family and the importance of correct diagnosis of Alzheimer’s and Dementia. The Board stated 6,000 residents in the community were diagnosed with Dementia and Durham was a welcoming and inclusive community.

Consent Agenda

Chair Howerton asked the Board if they requested to pull or comment on any items on the Consent Agenda.

Chair Howerton requested to pull Item 22-0508.

Hearing no additional comments, Chair Howerton entertained a motion for approval.

Commissioner Burns moved, seconded by Vice Chair Jacobs to approve the following items on the Consent Agenda except Item 22-0508.

The motion carried unanimously.

22-0440 Approval of FY22-23 Contract with the DPS Foundation for the Bull City Community Schools Project

22-0478 Local Assistance for Stormwater Infrastructure Investments (ARPA) Application Resolution

*22-0492 Budget Ordinance Amendment No. 23BCC00021 Public Health to Recognize \$ 20,000 from the North Carolina Department of Health and Human Services Division of Public Health to Support a Regional Tobacco-Free Collaborative and Implement a Tobacco Prevention and Control Action Plan

22-0493 BOCC Review of 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) Application

22-0509 Durham County Sheriff's Office contract approval with Intellicom, Inc. in the amount of \$158,866 for the Telecom and AV Project at the Detention Center

22-0510 Board of Elections Temporary Agency Amendment Contract Approval

*22-0513 Budget Ordinance Amendment No. 23BCC00024 Public Health to Recognize \$514,327 from the NC DHHS Division of Public Health Women and Children's Health/ Immunization Branch for Covid-19 Response

22-0514 BOCC Approval of FY 2022-23 Governor's Highway Safety Program (GHSP) Grant Funding Resolution

22-0518 Approval of Interlocal Agreement with the City of Durham for Implementation of the Master Aging Plan

22-0519 Authorization of an Amendment to Design Contract with RND Architects, PA for Design Development and Construction Administration Services Related to the Stanford L. Warren Interior Upgrades Project in the Amount of \$105,240, for a Total Revised Contract Amount of \$154,630

22-0520 Revision to the Award of the Arc Flash Analysis Services for the Utilities Division (RFQ 22-018) contract to McKim & Creed Approved August 8, 2022

22-0521 Evoqua Water Technologies, LLC Contract Amendment for Utilities Division

22-0523 Standard Non-Reimbursable Utility Contracts for the Extension of the County Sanitary Sewer System

*22-0527 Budget Ordinance Amendment No 23BCC00026 Appropriating \$50,000 of General Fund Fund Balance for Court Facilities to Support Infrastructure Improvements and Expansion of Wireless Access to all Court Personnel and Guests

*22-0528 Capital Project Amendment No.23CPA00008 Transferring \$5,196,188.77 in 2016 GO Bond Funding from Five Existing DPS School Projects to the Murray-Massenburg Capital Project (59105400SH292) and Closing Three DPS Projects

22-0530 Execution of a Consulting Service Agreement with Kirsty Fontaine LLC in the Amount of \$101,400 to Support Enterprise-Wide and Joint City/County Efforts to Advance Equity Strategies

22-0531 Execution of a Service Agreement with Westaff Workforce Solutions LLC for Temporary Staffing in the Amount of \$238,442.40 for Community Intervention and Support Services Department to Support Programmatic Efforts

22-0532 Execution of a Service Agreement with Cure Violence Global in the Amount of \$65,500 to Provide Training and Technical Assistance to the Community Intervention and Support Services Department

*22-0534 Approval of Budget Ordinance Amendment No. 23BCC00027 Appropriating \$167,186 of

General Fund fund Balance for Kate’s Korner and to authorize the Contract for the Student Learning Center Located at DTCC

22-0548 Rekeying of Durham County Courthouse and various County buildings

22-0549 Additional Funding for Contract with the Banks Law Firm, P.A.

22-0550 Funding for Contract with Womble Bond Dickerson LLP

22-0551 Additional Funding for Contract with Parker Poe

22-0552 Acceptance of Federal Aviation Administration (FAA) Grant Offers to Raleigh-Durham Airport Authority

*22-0554 Property Tax Releases and Refunds for August 2022

Consent Agenda Item #22-0492

**Durham County, North Carolina
2022-2023 Budget Ordinance
Amendment Number 23BCC00021**

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>			
Human Services	\$104,952,786.00	\$20,000.00	\$104,972,786.00
<u>Revenue</u>			
Intergovernmental	\$72,840,971.00	\$20,000.00	\$72,860,971.00

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

Approved September 12, 2022

Consent Agenda Item #22-0513

**Durham County, North Carolina
2022-2023 Budget Ordinance
Amendment Number 23BCC00024**

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>			
Human Services	\$104,972,786.00	\$514,327.00	\$105,487,113.00
<u>Revenue</u>			

Intergovernmental \$72,893,471.00 \$514,327.00 \$73,407,798.00

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

Approved September 12, 2022

Consent Agenda Item #22-0527

**Durham County, North Carolina
2022-2023 Budget Ordinance
Amendment Number 23BCC00026**

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>
GENERAL FUND			
<u>Expenditure</u>			
General Government	\$149,353,293.00	\$50,000.00	\$149,403,293.00
<u>Revenue</u>			
Other Financing Sources	\$31,494,832.00	\$50,000.00	\$31,544,832.00

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

Approved September 12, 2022

Consent Agenda Item #22-0528

**Durham County, North Carolina
2022-2023 Budget Ordinance
Amendment Number 23CPA-08**

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

Project#	Project Name	Current Budget	Increase/ Decrease	Updated Budget
59105400SH246	16 Go Durham School of the Arts Renovation	\$2,656,250.00	(\$162,267.19)	\$2,493,982.81
59105400SH268	16 Go Security Vestibules	\$3,612,323.31	(\$252,431.77)	\$3,359,891.54
59105400SH283	16 Go - Parkwood Quad Modular Unit	\$964,246.18	(\$569.86)	\$963,676.32
59105400SH292	Elementary School F - New – Murray-Massenburg	\$4,932,616.50	\$5,196,188.77	\$ 10, 128,805.27
59105400SH3 I1	16 GO Bond-District Wide Asphalt Repairs	\$3,500,000.00	(\$3,443,600.00)	\$56,400.00
59105400SH3 I3	16 GO Bond District Wide Playground Replacement	\$1,500,000.00	(\$1,337,319.95)	\$162,680.05

Consent Agenda Item #22-0534

**Durham County, North Carolina
2022-2023 Budget Ordinance
Amendment Number 23BCC00027**

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>			
Education	\$194,203,354.00	\$167,186.00	\$194,370,540.00
<u>Revenue</u>			
Other Financing Services	\$31,544,832.00	\$167,186.00	\$31,712,018.00

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

Approved September 12, 2022

Consent Agenda Item #22-0554

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 2022.

Releases and Refunds – August 2022

Releases and Refunds for 2022 Taxes

Real Property	\$ 156,399.80
Personal Property	\$ 62,817.04
Motor Vehicle	\$ 0.00
Solid Waste	\$ 0.00
Stormwater Utility	\$ 1,464.00
VTS Refunds	\$ <u>0.00</u>
Total	\$ 220,680.84

Releases & Refunds for Prior Years

2016 - 2021

Real Property	\$ 143,136.53
Personal Property	\$ 728.99
Solid Waste	\$ 0.00
Stormwater Utility	\$ 0.00
VTS Refunds	\$ <u>15,668.85</u>
Total	\$ 159,534.37

Grand Total \$ 380,215.21

Public Hearings

22-0539 Public Hearing – Consolidated Item – Mason Farms Major Special Use Permit and Major Site Plan

Cole Renigar, Planner, City-County Planning Department stated the Board was requested to hold a public hearing to consider a Major Special Use Permit (MSUP) for a Community Wastewater System for the Mason Farms conservation subdivision pursuant to Unified Development Ordinance (UDO) 12.7.1C, and to consider the Major Site Plan for Mason Farms pursuant to UDO 3.7.3B.

The Board inquired about the by-right and special use permit. Mr. Renigar replied, the conservation subdivision development was allowed by-right, and the community wastewater system required a special use permit. The Board asked about the conservation subdivision. Mr. Renigar responded 50 percent of the total gross area was required to be open space with at least 80 percent of the required open space consisting of primary conservation areas and 20 percent consisting of secondary conservation areas. The Board asked why the ordinance was created and the locations of conservation subdivisions in Durham. Sarah Young, City-County Planning Director replied, conservation subdivisions incentivized the preservation of environmentally sensitive land of open space and farmland in the County and 15 conservation subdivisions were in Northern Durham.

The Board asked about the community wastewater system and the locations of existing systems. Ms. Young responded community wastewater systems were ecological, monitored with reporting and beneficial over private septic and wells, she added the systems were used in Rougemont and Red Mountain subdivisions. The Board asked if the community wastewater system was not approved, would septic and well be required by the homeowner or the County. Ms. Young replied, the septic and well would be required by the developer or the homeowner.

Commissioner Burns moved, seconded by Commissioner Allam to open the public hearing.

The motion carried unanimously.

Willie Darby, Acting County Attorney stated the public hearing was quasi-judicial and explained the Board was not a judicial body or a court of law, but could use power to interpret the law as it applied to the hearing. Attorney Darby swore in the witnesses for the public hearing.

Patrick Byker (Attorney for the Applicant)

Mr. Byker, Partner at Morningstar Law Group stated he was representing III Capital Management for the Mason Farms community wastewater system. He added Mason Farms was a 288-acre conservation subdivision and 150 acres would be preserved as conservation. Mr. Byker stated Wetrock Farm was the previous subdivision at the same location and approved by the Board. He added the previous project failed and his client acquired the property and proposed the Mason Farms subdivision. Mr. Byker stated the special use permit was permitted if the applicant provided certain facts to the evidence and if so, the applicant was entitled to the permit. He added the state law required an expert witness to testify on the findings in the Unified Development Ordinance (UDO) and a licensed attorney or the Board was allowed to question the expert witnesses.

Gary MacConnell (Expert Witness)

Mr. MacConnell, President of MacConnell and Associates stated he attained 28 years of experience with

residential, community and municipal wastewater systems and he was the engineer for the Mason Farms community wastewater system. He added the system met the UDO, State and National Science Foundation requirements and odor would not be an issue with the use of an underground system and pods. Mr. MacConnell stated the system would be operated by a private utility, maintenance provided by certified technicians and generators would provide backup during power outages.

Thomas Perdue (Expert Witness)

Mr. Perdue, Project Manager at MacConnell and Associates stated the proposed site plan met the specific standards and the UDO requirements. He added Mason Farms was a 142-lot conservation subdivision.

The Board inquired about the light green area on the site plan map. Mr. Perdue responded it was the primary farm area. The Board asked about the use the primary farm area. Mr. Perdue replied the area was open space and applied to the conservation area. The Board asked if the site plan met the requirements of tree preservation. Mr. Perdue responded the site plan met the UDO requirements.

Mary Lynn Smith (Expert Witness)

Ms. Smith, Traffic Engineering Project Manager at Ramey Kemp Associates stated the proposed subdivision would not create any traffic concerns. She added the subdivision would create around 1,400 daily vehicle trips and the Department of Transportation required at least 3,000 daily vehicle trips for traffic impact analysis. Ms. Smith stated the access locations of the subdivisions were located to provide the minimum impact on the daily traffic in the area.

The Board asked if the site plan encouraged pedestrian and bicycle traffic. Ms. Smith responded yes, on internal roads in the subdivision, adding not externally outside of the subdivision. The Board asked if the site plan encouraged a reduction in motor vehicles. Ms. Smith responded no, due to the subdivision being located in Northern Durham.

Jarvis Martin (Expert Witness)

Mr. Martin, Stewart, Principal Appraiser at Stewart, Martin and McCoy the proposed subdivision would not have adverse impacts on adjoining or surrounding properties and meet the UDO requirements. He added the subdivision was in harmony with rural Northern Durham.

Citizen Comments

Kathryn Ross

Ms. Ross, citizen asked for the Board to postpone approving the special use permit and site plan. She added the quasi-judicial hearing rules and regulations were not provided in notice to residents and not on the agenda. She added the notice was mailed and a small number of residents attended the community meeting. Ms. Ross stated for resident fairness another community information meeting was needed before the Board's approval.

Thomas Freeman

Mr. Freeman, citizen stated the weblink in the notice letter did not work properly and directed residents to the City of Durham website. He added he was unable to access the needed information for the process and called Mr. Renigar to inform him of the issue. He asked for the Board to delay making a decision about the special use permit and site plan.

Pamela Andrews

Ms. Andrews, citizen thanked the Board for meeting with Preserve Rural Durham and asked why there was no conservation subdivision located in Southeast Durham.

Mr. Darby asked Ms. Young to explain information about the site plan. Ms. Young stated the Mason Farms Major Site Plan was not part of the discussion for the public hearing. She added the site plan was included in the approval because the special use permit upgraded the site plan from the normal administrative approval and the site plan was certified by staff. Ms. Young stated the notice letter weblink was linked to the City’s website and not the County’s website, although the department serves the City and the County. She added the links failure to load properly was not a significant defect in notice.

The Board inquired about the acquisition of Wetrock Farms to the proposed Mason Farms. Mr. Byker responded the applicant was the lender for Wetrock Farms and after Wetrock Farms failed, the applicant acquired the property.

Chair Howerton closed the public hearing.

Chair Howerton read the following statement:

“The Durham County Board of Commissioners has elected to continue this hearing to the November 14, 2022 Regular Session meeting. In order to give citizens, the opportunity to consult with experts regarding the impacts of joint septic drained fields intended by inhabitants as noted. As being a quasi-judicial process, the Board should refrain from having any outside conversation with anyone regarding this matter.”

Vice-Chair Jacobs inquired about the impact on the applicant if the vote was delayed by one month. Mr. Byker stated he was opposed to continuing the public hearing. Mr. Renigar stated the application was submitted in 2021 and the applicant was trying to proceed with approval of the subdivision. Mr. Darby stated it was the pleasure of the Board to decide how to proceed forward.

Commissioner Buns recommended one month or a 30-day delay instead of a two month delay in voting. Commissioner Carter stated the expert witnesses provided evidence, supported standards and recommended the Board to approve the item. Commissioner Allam recommended approving the item and asked for the City-County Planning Department to include the quasi-judicial rules and regulations on the County’s website. Vice-Chair Jacobs stated citizens would have to hire expert witnesses to testify at the public hearing and pay for the cost of the expert witnesses.

First Motion:

Commissioner Carter moved, seconded by Commissioner Allam to approve the Major Special Use Permit for case M2200001, Mason Farms Community Wastewater System.

The motion carried unanimously.

Second Motion:

Commissioner Carter moved, seconded by Vice-Chair Jacobs to approve the

Major Site Plan for case D2100325, Mason Farms.

The motion carried unanimously.

Directive: Commissioner Allam recommended the City-County Planning Department include the quasi-judicial rules and regulations on the County's website.

22-0540 Public Hearing – Partial Closing of Akzo Boulevard

Cole Renigar, Planner, City-County Planning Department stated the item was removed from the agenda.

22-0541 Public Hearing – Renaming of Park Drive

Cole Renigar, Planner, City-County Planning Department stated the Board was requested to hold a public hearing to consider changing the street name of Park Drive to Sancar Way. Mr. Renigar added Park Drive was a private street with three constructed buildings internal to a business park.

Commissioner Burns moved, seconded by Commissioner Allam to open the public hearing.

The motion carried unanimously.

Chair Howerton stated no citizens were signed up to speak and closed the public hearing.

Commissioner Cater moved, seconded by Commissioner Allam to approve the street renaming case SN2200001, changing the street name from Park Drive to Sancar Way.

The motion carried unanimously.

Other Business

22-0543 Impact and Recovery of Durham's Hospitality Sector and Durham Sports Commission Annual Update

Chair Howerton stated the item was moved to the September 28, 2022 Regular Session meeting.

Items Pulled from the Consent Agenda

Consent Agenda Item #22-0508 Interlocal Agreement between Durham County and City of Durham for the Department of Social Services to administer the Low-Income Homeowner's Relief Program

Citizen Comments

Amanda Wallace

Ms. Woods stated she disagreed with Durham County allowing the Department of Social Services (DSS) to administer the Low-Income Homeowner's Relief Program due to the department taking advantage of low-income families.

Kellie Smith

Ms. Smith stated Child Protective Services took custody of two of her children.

The Board stated the Low-Income Homeowner's Relief Program was developed to aid residents who

were unable to pay their tax bills. The Board thanked Joann Pierce, General Manger, Ben Rose, DSS Director and Dwane Brinson, Tax Administrator for assisting the Board with the development of the program.

Janeen Gordon, DSS Assistant Director shared a brief overview of the Low-Income Homeowner's Relief Program and the eligibility requirements. She added the program was accepting applications and encouraged residents to apply.

Commissioner Burns moved, seconded by Vice Chair Jacobs to approve Consent Agenda Item 22-0508.

The motion carried unanimously.

Adjournment

Commissioner Allam moved, seconded by Commissioner Burns to adjourn the Regular Session meeting at 9:57 p.m.

The motion carried unanimously.

Respectfully Submitted,



Macio Carlton
Deputy Clerk to the Board