

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

Monday, November 7, 2022

9:00 A.M. Work Session

**MINUTES**

Place: Commissioners' Chambers, Second floor, Durham County Government  
Administrative Complex, 200 E. Main Street, Durham, NC

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

Attended  
Remotely: Commissioner Heidi Carter

Presider: Chair Brenda Howerton

**Citizen Comments**

The Board of County Commissioners provided a 30-minute comment period to allow Durham County citizens an opportunity to speak. Citizens were given the option to deliver their Citizen Comments in-person or virtually via email to the Clerk no later than Sunday, November 6th at 12 noon.

**Quisha Millett**, spoke on uplifting the Emancipate of North Carolina report for reform on the child welfare system. As explained by child welfare experts, the moment children were removed from their parents, their lives were forever changed. The placement of foster care separates children from parent, siblings, teachers, communities and friends. Experiences such as temporary or long-term incarceration exasperate the challenges face with unification. She expressed Durham County was one that was committed to ensure safety of individuals and families in the midst of great challenges from the pandemic and economic hardships and believed the recommendations of Emancipate NC report aligned with the County's current commitments and should be acted on during the transition of leadership. She urged the County Commissioners to adopt a resolution reaffirming that we are a family first County.

**Pam Andrews**, stated community members in the Southeast part of Durham were experiencing blasting near 500 feet of their homes and wells were not checked properly within 24-48 hours. She was standing up for senior citizens and residents in her community to ensure safety. Ms. Andrews also advocated to receive a current September water supply reading. She asked for the mass rating and clear-cutting amendment to approved as soon as possible.

**Elizabeth Simpson**, Emancipate NC representative, strongly encouraged the Board to read the report provided and answer the questions posed in the email. The report included information from interviews with dozens of stakeholders in Durham and academic research about best practices in the child welfare space.

**Wanda Allen**, asked to receive clarification on the Comprehensive Plan noting the website was not clear to residents from the rural area of Durham. She stated comments were provided but the website did not reflect them.

## **Consent Agenda**

The Board was requested to review the following Consent Agenda items for the November Regular Session.

### **22-0568 Budget Ordinance Amendment No. 23BCC00046 in the Amount of \$73,660.06 to Recognize a Grant Award to the Office of Emergency Services-EMS Division (OES-EMS) from the NC Department of Health and Human Services (NCDHHS), and to Authorize the County Manager to Sign and Execute All Contract**

Captain Helen Tripp, OES-EMS, stated medicine was offered to patients at the time of overdose with an effective usage rate of up to 24 hours. Providers followed up with patients for up to seven (7) days or longer if needed; however, treatment varied on the substances used. She added patients could be connected within two (2) to three (3) days to agencies and peer support such as, *B&D Integrated Health, Lincoln Community Health Center, Durham Recovery Response Center, etc.*

### **22-0594 Budget Ordinance Amendment No.23BCC00036 to Recognize \$5,239.91 in Grant Funding from the North Carolina Department of Public Instruction's Child Nutrition Program for the Youth Home**

Angela G. Nunn, Youth Home Director, clarified to the Board breakfast and lunch meals were provided and meals met nutritional standards. She added dinner meals were not a part of grant funding, however, staff worked diligently to always provide adequate nutritional meals.

### **22-0628 Budget Ordinance Amendment No.23BCC00039 to recognize \$18,000 in Grant Revenue from the Burt's Bees Foundation to support an Updated Biological Inventory for Rare and Unique Plant Communities**

Jane Korest, Division Head, Open Space and Real Estate, stated staff would work with the State program to focus on rare soil and plant communities and an advisory committee would assist and provide technical guidance to botanists preparing the reports. Sara Young, AICP, Planning Director, added the ordinance required protected sites be examined and inventory was included to protect resources.

### **22-0632 Approval of Interlocal Agreement with the City of Durham for Continuation of the Gang Reduction Strategy in FY23**

Kimberly Sowell, County Manager, clarified to the Board the position was responsible for reports on Gang Reduction and would allocate resources for the next fiscal year. Gudrun Parmer, Interim General Manager, added the Gang Reduction strategy would be a 50/50 split cost between the City and County, with Project Build receiving about \$100,000 in JCPC funding.

### **22-0651 Execute an Amendment to the Architectural/Engineering Services Contract with Smith+Gardner Engineers for Upgrades to the Redwood Solid Waste Convenience Site Capital Project (4190DC080)**

Motiryo Keambiroiro, Director of General Services, informed the Board that a preliminary review study was used for public engagement; however, a new study could be created for additional insight for the Redwood Convenience Site.

### **22-0659 A Resolution of the County of Durham, North Carolina to Authorize the Purchase of Easements or the Acceptance of Easements by Grants of Properties in an Area**

**Commonly Known as the Snow Hill Community, which is Specifically Inclusive of Roads and Streets for the Purpose of Creating, Expanding, and Maintaining the Snow Hill Sanitary Sewer System**

Jay Gibson, PE, General Manager, responded the site was in the final phase of expansion to further develop the business sector. He stated the site was a part of the County jurisdiction and County funded, with the idea of a 25–30-year growth capacity. Claudia Hager, General Manager, added the City was committed to supporting some expenses, but not all.

There were no questions regarding the items below:

**22-0595 Budget Ordinance Amendment No. 23BCC00044 Social Services to Recognize \$38,000 in Distribution of North Carolina Rate Settlement Funds as authorized by Duke Energy Carolinas Stipulations and Settlement ordered in Docket No. E-7, Sub 1214.**

**22-0605 Budget Ordinance Amendment No. 23BCC00043 Public Health to Recognize Funds in the Amount of \$8,000 From the Ann Wolfe Mini Grant for Child Health and Infant Mortality for Outdoor Learning**

**22-0616 Budget Ordinance Amendment No. 43BCC00041 Library to recognize funds in the amount of \$153,182 from the State Library of North Carolina for a One-Time Financial Assistance Payment that Can Be Used for Personnel/Operating Costs**

**22-0627 Replace Roof Exhaust fans and Axial Fans at the Durham County Detention Center**

**22-0636 Budget Ordinance Amendment No. 23BCC00047 Library to Recognize Funds in the Amount of \$24,480 from the Universal Service Connectivity Fund to Offset the Cost of Lending Hotspots to the Public**

**22-0642 Budget Ordinance Amendment No. 23BCC00045 FY 2022-23 Encumbrance Rollover - Increasing Multiple Funds Budgeted Expenditures and Revenues by a total of \$12,517,840.75**

**22-0646 Durham County Hacking into History Restrictive Covenant Project Contract Approval**

**22-0650 Approve Renaming Capital Project 4190DC080 from “Owned Convenience Site Upgrades” to “Redwood Convenience Site Upgrades”**

**22-0662 Juvenile Crime Prevention Council Appointment**

**22-0663 Preliminary Assessment Resolution for Little Acres Drive**

**22-0666 Approval of Surplus Personal Property Sale by Electronic Public Auction with GovDeals and Property Room**

## **Discussion Items**

### **22-0676 The Justice Movement Proposal - Reduction of Violence and Poverty**

The Board was requested to hear a proposal from The Justice Movement on interrupting the cycle of violence and poverty within the community by organizing and centralizing community resources to provide a pathway to family-sustaining jobs for justice-involved persons and persons without a four-year college degree. The proposed framework coordinated wrap-around services through unified community-based resources that provided workforce readiness training, mentoring, assistance with childcare, housing and transportation, as well as combined reentry services for participants.

In August 2021, leadership partnered with two retired law enforcement professionals who were actively engaged in eradicating the historic criminalization of black skin, mental illness, and poverty that led to increased interactions with the law. As a result, the Justice Movement was born.

Steve Chalmers and L.A. Jones, Co-Founders of the Justice Movement shared with the Board how the “OneTen Project” (oneten.org) was created to form a coalition of 50+ leading employer (both for profit and non-profit) organizations committed to upskilling, hiring, and advancing Black talent in America, over the next ten years.

Hayti Reborn partnered with OneTen as their sole strategic partner in Raleigh-Durham. As OneTen’s Community Development Lead (CDL) the Justice Movement served as their “boots on the ground” and played an active leadership, facilitation, and project management role. This included the creation and implementation of wraparound services, endorsing talent developers, and presenting Black talent.

The Board questioned if the project would utilize general mentors or certified peer support specialists and also requested additional information on the budget. They also discussed its partnership with Bull City United.

#### **Directive:**

- **Co-Founders to provide a detailed budget for the Justice Movement.**

### **22-0645 Development Concern and Mitigation Steps Update**

The Board was requested to receive a presentation on development trends in Durham County that brought about citizen concerns and the short-, and long-term steps staff and the Board may have chosen to take to mitigate those concerns.

Ryan Eves, PE, Stormwater & Erosion Control Division Manager shared with the Board the short-term and long-term goals in four (4) categories:

- Planning Strategies Short-Term Goals: *Maximum disturbed area, Expanded riparian buffers, Additional open space, Additional tree preservation, Additional erosion control measures and Higher stormwater standards.*
- Planning Strategies Long-Term Goals: *Proposed limits on how much land could be graded at one (1) time, Revised tree coverage standards to further incentivize preservation over replanting and draft a proposal for future JCCPC meeting.*

- Erosion Control Short-term Goals: *Work with sites to implement additional measures and Increased inspections.*
- Erosion Control Long-Term Goals: *Amend erosion control ordinance in UDO, Propose amendments, Larger sediment basins and slower dewatering times, Stricter groundcover requirements, Flocculants required, Stop work orders, Ag site exemptions and sent amendments to sedimentation control commission.*
- Environmental Health Short-Term Goals: *Well water sampling for homeowners*
- Environmental Health Long-Term Goals: *Continued monitoring of well water every two (2) years in line with State guidelines.*
- City and County Fire Marshall Short-Term Goals: *Educate homeowners on their ability to file complaints with blasting companies and to encourage homeowners to participate in permit-required pre-blast survey.*
- City and County Fire Marshall Long-Term Goals: *Amend the blasting permit process and to adopt a local ordinance regulating blasting companies.*

Discussion was held on conservation sub-divisions and if the current Comprehensive Plan matched the County's values. Sara Young, AICP, Planning Director, shared conservations sub-divisions were optional but encouraged. She added staff could look into the Comprehensive Plan to ensure policies were aligned with mitigation steps and expressed to the Board they were open to suggestions.

Commissioner Allam asked on if well water was sampled. Chris Salter, Director of Environmental Health Services, stated kits were used for water sampling of bacteria and any chemical samples were sent to the State lab for testing. If a problem was to arise in the State sample, a letter would be sent to the homeowner notifying them of the problem and ways to address it.

Vice-Chair Jacobs asked if information could be shared with City Council members, staff and any development communities of what the County requested and recommended. She also inquired could developers be requested to pay a fee that would cover the cost for testing and repairing wells.

Chair Howerton recommended the item to be included at the next Joint City-County Planning Committee (JCCPC) meeting.

**Directive:**

- **Staff to create a memo to share with City council members, staff and any development communities.**
- **Staff to add item to agenda at the next JCCP meeting.**

**22-0657 Comprehensive Plan Community Goals and Objectives Adoption**

The Board was requested to receive a presentation on the new Comprehensive Plan in the final stages of development, with a release of the revised policies and Place Type Map released in late October. Planning Staff provided an update and discussed follow-up questions and concerns that were raised by the Board at the August Work Session.

Lisa Miller, City-County Planning Department provided the Board with additional information on the next steps of the plan. She stated at the August 1, 2022 Work Session presentation on the Comprehensive Plan, Commissioners raised several questions and concerns, particularly about engagement with rural residents and development on the urban/rural fringe.

The Board suggested changes be made to the wording for planning future transit corridors and the change of wording for housing policies. She stated staff was aware of job centers for the region and was concerned of the balance of meeting the needs of current transportation riders and future job markets. In addition, housing was needed for all workers in Durham, not just teachers and school staff.

The Board questioned if maps showed changes to growth areas. Ms. Miller stated the maps helped residents understand the changes around urban growth; however, it does not show the current condition of growth areas. Scott Whiteman, AICP, Planning Manager, continued to say growth areas were out of response time for law enforcement and fire rescue so significant upgrades would need to commence.

Ms. Miller informed the Board that conversations could be held with staff to include homeless residents in the transportation plan and to discuss a possible name change of the plan due to slight confusion.

### **22-0648 Durham County Transit Plan**

The Board was requested to receive a presentation on the final recommended Durham County Transit Plan.

The Durham County Transit Plan was required by state legislation to enable the local option half-cent sales tax for public transit improvements. The plan shall 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, as there was now a need for a new Durham County Transit Plan. The plan would guide the use of approximately \$1.1 billion for public transit improvements over the twenty-year horizon.

Ellen Beckmann, County Transportation Manager, stated the presentation included the final recommended Transit Plan. The final Transit Plan would be released for public comment later in November with a public hearing scheduled for the December 12, 2022, Board of Commissioners Regular Session. The adoption of the plan was expected in January 2023.

Ms. Beckmann answered questions pertaining to the increase of cost in the United States for transit versus other countries in the world. She stated many factors played a part in the increase of costs in the US including but not limited to; *consulting firms, litigation, environmental rules, etc.* and suggested a meeting could be held for in depth discussions.

The Board asked if maps could be overlaid to show proposed future growth areas on where the Transportation Plan would be over the next 20 years and how areas would be affected. Aaron Cain, DCHC MPO Planning Manager, stated staff were working on overlaying the maps; however, he would double-check to be sure.

The Board asked for additional details on the transit zone, micro-transit and bus stop growth. Ms. Beckmann responded the transit zone was a part of the City’s “Better Bus Project” - *ensuring buses coming in and out of Durham Station could do so quickly and reliably* and could ask the City to present the information to the Board. She continued to say the East Durham micro-transit was operational and the North Durham micro-transit would be operational by November 11, 2022.

The Board asked could funds be invested sooner and if so, would they still have an adequate reserve. Ms. Beckmann responded GoTriangle and County staff discussed earlier in the year about the presumptions of the financial model, which was intended to be a revenue reserve. She added staff were optimistic about sales tax growth due to possible changes in the economy; however, the model was long range and adjustments could be made as needed.

### **22-0634 Transit Plan Governance Interlocal Agreement**

The Board was requested to receive a presentation on the Transit Plan Governance Study and the recommended Interlocal Agreement.

In 2011, Durham County approved a county-wide transit plan, which included development of the Durham-Orange Light Rail Transit (DO LRT) project. In 2013, an interlocal agreement (ILA) was developed and approved by the Board of Commissioners, DCHC MPO Board and GoTriangle Board of Trustees. Upon the discontinuation of the DO LRT project, a new governance framework was necessary to guide the implementation of future county transit plans in Durham and Orange counties.

Project goals included:

- The creation of a clear, operationally efficient governance structure ensuring that Durham County priorities were funded and implemented with the County transit taxes and fees.
- The formation of new levels of accountability, which included the development of an equitable set of processes, seeking to gain further community trust.

In the fall of 2021, members of the Board, members of the GoTriangle Board of Trustees and DCHC MPO Board and staff, participated in initial small group interviews. From those interviews, the team learned about overall needs. The study process continued to allow for a facilitated workshop with elected officials from each of the transit plan governing boards in November 2021. Five elements were identified to be incorporated into a new governance framework: *Representative, Equitable, Collaborative, Transparent, and Accessible*.

Workshops were held to focus on critical elements that formed the foundation of a new ILA. Discussion focused on multiple alternatives for the following four areas: *Membership, Voting Structures, Financial Planning, and Program & Plan Development*. Outcomes of the workshops included:

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| <ul style="list-style-type: none"><li>• Formalizing greater involvement from multiple jurisdictions and entities at the Staff Working Group (SWG) level and associated representative voting structures (the SWG is the technical recommending body for plan implementation).</li></ul> |
| <ul style="list-style-type: none"><li>• Clearly defined roles and responsibilities for each signatory to the updated interlocal</li></ul>   |

agreement.
<ul style="list-style-type: none"> <li>• Solidifying the County’s role in annual work program/budget development with the tax district administrator.</li> </ul>
<ul style="list-style-type: none"> <li>• Defining terminology and language consistently to ensure clarity and transparency for all parties who would use the updated governance framework for plan implementation in the future.</li> </ul>
<ul style="list-style-type: none"> <li>• While referencing State Statutes, the updated ILA and supporting documentation would further define equity as it relates to utilization of tax revenues throughout the county, as well as accounting for regional transit needs.</li> </ul>

Ellen Beckmann, City-County Transportation Manager, shared rental tax revenue sources were included in past and current Transit Plans and the GoTriangle Board agreed to provide 50 percent of revenue to the three (3) counties for the inclusion of Transit Plans. She stated GoTriangle recommended wording be added into the ILA stating future allocations were at the discretion of the GoTriangle Board of Trustees and felt wording was consistent with State law authorizing the tax. Ms. Beckmann added should wording be removed, adjustments would need to be made to the Transit Plan because it would affect future GoTriangle projects.

Discussions were held on guidelines for the budget and if a tracking system would be included in the ILA. Adam Howell, AICP, Atkins, answered there was no standard expectation regarding staffing fees in the budget; however, part of ILA does include a plan to be created to ensure staffing needs were met. Ms. Beckmann added the project did rely on project sponsors to receive data, which in turn was reviewed by SWG. She continued to say the ILA stated quarterly and annual financial reports would be sent out.

Ms. Beckman informed the Board the item would need to be approved at the November 14, 2022 Regular Session before being brought to GoTriangle for approval.

**22-0664 Discussion of Proposed Durham County Legislative Items for 2023 Legislative Agenda**

The Board was requested to review and discuss the current list of proposed 2023 Durham County legislative items received from several departments and Commissioners. County Commissioners could add additional suggestions for staff to develop. A final list would be completed and prepared for review and vote at the November 14th regular meeting.

Deborah Craig-Ray, General Manager, provided the Board with the following changes to the proposed legislative items for NCACC:

1. Seek legislation allowing countywide ordinance for gun registration requirements in order to create records with gun serial numbers that would allow the tracking of stolen weapons and saving of lives
2. Seek a \$15,000,000 capital appropriation help with the cost of constructing a new 36-bed juvenile detention facility and assessment center in Durham County
3. Seek a \$25 million appropriation for the Triangle Wastewater Treatment Plant (TWWTP) (Phase IV) to make needed upgrades to ensure ongoing high level of service to client companies in Research Triangle Park (RTP) engaged in life sciences and technology arenas including electronic chip manufacturing.



4. Seek an appropriation of \$22 million in special funding to be included in the State Budget to help fund the construction of a new Chin Page RTP regional lift station.
5. Durham County requested \$500,000 in special funding to be included in the State Budget to help fund the repair of various Orphan Roads in non-municipal areas of the County and to improve these roads to a condition that will allow NCDOT to accept these roads for State Maintenance.
6. Establish paid family and medical leave in NC
7. Increase state minimum wage from \$7.25 to \$15.00
8. Reestablish the NC Earned Income Tax Credit

Commissioner Burns recommended the County add raising the NC High School dropout rate from 16 to 18 years old.

**Directive:**

- **Deborah Craig-Ray to combine Goal #6 with a similar item.**
- **Deborah Craig-Ray to check with neighboring counties on their legislative items.**

**22-0653 Appoint Voting Delegate - North Carolina Association of County Commissioners (NCACC) Legislative Conference**

The Board was requested to suspend the rules and vote to appoint Commissioner Nida Allam as the voting delegate and Commissioner Nimasheena Burns as the alternate for the NCACC Legislative Conference.

Commissioner Allam moved, seconded by Commissioner Burns to suspend the rules.

The motion carried unanimously.

Vice-Chair Jacobs moved, seconded by Commissioner Burns to approve the rules.

The motion carried unanimously.

**22-0535 Follow-Up on Board Directives**

The Board was requested to review staff responses to Commissioner directives. Board directives from previous meetings as well as staff follow-up are reviewed at monthly Work Sessions. Staff strive to have all directives input into the system as accurately as possible as soon after they are issued as possible and to follow-up with the board and/or with other relevant parties in an appropriate time frame.

The Board was requested to suspend the rules to allow an excused absence for Commissioner Carter.

Chair Howerton moved, seconded by Vice-Chair Jacobs, to suspend the rules.

The motion carried unanimously.

The Board was requested to approve an excused absence for Commissioner Carter.

Commissioner Allam moved, seconded by Vice-Chair Jacobs, to approve an excused absence for Commissioner Carter.

The motion carried unanimously.

**Closed Session**

**22-0668 Closed Session**

The Board was requested to adjourn into Closed Session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee; pursuant to G. S. 143-318.11(a)(6).

Vice-Chair Jacobs moved, seconded by Commissioner Allam, to adjourn to Closed Session.

The motion carried unanimously.

**Adjournment**

Commissioner Burns moved, seconded by Vice-Chair Jacobs, to adjourn the meeting.

The motion carried unanimously.

The meeting was adjourned at 3:40 p.m.

Respectfully submitted,



Shaunecie Wardrick  
Administrative Assistant