

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

Monday, May 1, 2023

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  
Nimasheena Burns and Heidi Carter

Remote  
Attendance: Commissioner Nida Allam

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, April 30th at 12 noon.

The following citizens expressed support of the creation of the Carver Creek Supportive Housing Acquisition: *Sheldon Mitchell, Ryan Fehrman, Ketty Thelemaque, Jaelyn Miller, Jatoia Potts, Eliza Mathew, Lorisa Seibel, Jim Svara, Donna Carrington, Breana Van Velzen and Terry Allebaugh.*

The following citizens opposed the Simplifying Codes for Affordable Development due to wells being damaged and dirty creeks due to land runoff brought by new annex: *Talmage Layton, Wanda Allen, Stephen Knill, Sherri Zann Rosenthal, Pam Andrews, Thomas Freeman and Quisha Mallette.*

*Pricilla Smith*, Citizen – Discussed UNC removed her grandson due to wrongful allegations. She expressed that no facility had the right to remove a child without proper research.

*Dawn Blagrove*, Citizen – Spoke in agreeance with Ms. Smith (previous citizen) and asked the Board to read a report pertaining to the changes made to the Durham Social Services Department.

**Consent Agenda**

The Board was requested to review the following Consent Agenda items for the May Regular Sessions.

**23-0291 City-County Planning Department FY24 Work Program**

Sara Young, AICP, Planning Department, informed the Board the Work Program would be fine-tuned once the Comprehensive Plan was complete. She added the RFP was reissued for a consultant to rewrite the Unified Development Ordinance with a timeline of one (1) to two (2) years.

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

Claudia Hager, Deputy County Manager, stated Northern High School funds were originally included in the project and DPS could be reimbursed. She added GO Bond funds were to be spent within the following months with additional information to be provided at the May 8<sup>th</sup> Regular Session.

**Directive: Staff to provide additional information regarding the reconciliation of projects.**

There were no questions regarding the items below:

**23-0301 FY23 Durham Transit Work Program Amendment**  
**23-0310 Request for Consent to Accept Proposed Settlement**

**Discussion Items**

**23-0317 Carver Creel Supportive Housing Campus Acquisition**

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

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

Discussion was held regarding what was necessary to complete the project. Russel Pierce, Executive Director of Housing for New Hope, informed the Board \$4.2M in funds were allocated for the creation of supportive housing, not for the acquisition of housing. He added conversations were held with the County Manager to ensure the project would be jointly funded.

Eric Maddox, Housing for New Hope Board Chair, Social Caseworker Supervisor, shared the project would best serve existing clients and they would receive regular and substance abuse counseling to help maintain housing. Ms. Maddox added housing would serve families and individuals who experienced homelessness and there was no age requirement for the project, as long as the criteria was met.

The Board inquired if sexual offenders and convicted felons experiencing homelessness would affect the project. Gudrun Parmer, Criminal Justice Resource Center Director, stated staff had not made a decision on how citizens who were sexual offenders would receive services; however, convicted felons were able to receive services to be able to learn how to be independent; specifically, to handle finances and maintain mental health.

Mr. Pierce shared there was no set timeframe on how long homeless individuals could utilize supportive housing.

Vice-Chair Jacobs noted she would submit additional questions to staff; however, expressed the importance of the project being partnered with the City. County Manager Dr. Sowell stated the project would be jointly funded due to the absence of a request for proposal and once a consensus was made with the City Council, the County could move forward with a formal adoption with the Board.

The Board expressed their support for the project and asked to vote on the project at the May 8<sup>th</sup> Regular Session in contingency with the City.

Due to time constraints, Vice-Chair Jacobs submitted additional comments to the Clerk to the Board pertaining to the Carver Creek Supportive Housing Campus Acquisition:

*“On the evening of January 25 this year I met Jerry. At about 10 pm that night our small group walked into his home. It was a tent in some woods alongside a hotel parking lot and a major roadway in Durham. An older Black gentleman, Jerry welcomed us, complete strangers, warmly and graciously to his home. He apologized for all of the piles of trash which in the darkness seemed to be everywhere and explained that he works hard every day trying to clean up and keep things in order for himself and the other people living there. Jerry shared it would be his 67th birthday in a few days. He said he struggled with schizophrenia bipolar disorder and used weed and alcohol. Jerry told us he was embarrassed for his family to see him living like this.*

*I think about Jerry every day now. Wondering how he is doing and how we could think it is ok for someone, especially with health issues like his, to live in those conditions. We have hundreds of people like Jerry in Durham who are living unhoused and have serious mental health and substance use issues. The majority of them are men of color and many of them are seniors.*

*At this very moment in time we have the unprecedented opportunity to help Jerry.*

*We spend about \$100 a day, \$3,000 a month, more than \$36,000 a year paying the “rent”- public tax dollars- to house one person in our Durham County Detention Center. This does not include the cost for all of the mental health services, medical care and substance use treatment that can go along with housing the more than 46% of the people in our jail who suffer from mental illness. We have the data. Our most vulnerable residents, those who suffer from severe mental illness, often with co-occurring substance use, cycle in and out of our emergency departments, jail and homeless shelter, seeking a safe refuge and help.*

*Our current system is a revolving door for our familiar faces, our most vulnerable residents who are the greatest users of our crisis related services. And it is costing us a lot of money, public money. Our city and county providers know who our familiar faces are. The same people who are in crisis may show up at the Duke Emergency Department, be discharged from the hospital to the street, call Durham County EMS, get help from a H.E.A.R.T team or are picked up by law enforcement, arrested, locked up in the Durham County Detention Center, released, end up at Urban Ministries. Back on the street. And the cycle repeats.*

*Not only is this a broken, ineffective system that is wasting millions of dollars each year, it is inhumane. When I came back from my visit to Haven for Hope in San Antonio, Texas with the Familiar Faces Initiative in early January and saw their campus where they have 900 units of Permanent Supportive Housing and every type of support service you can imagine provided for people right there on site, I thought how can we not have something like this for people in Durham? We say we are a caring community yet we are not taking care of our most vulnerable residents. At Haven for Hope and in other cities and counties across our country I have learned about solutions providing cost effective and evidenced based practices to serve this population. And they ALL center around Permanent Supportive Housing with co located services.*

*We now have the opportunity to take a monumental and transformative step to fill this tremendous gap in our crisis system and continuum of care. I am not one to speak a lot publicly about my personal religious beliefs but this has felt like a moment of divine intervention for our community. A once in a lifetime opportunity that will never happen again and will be lost forever if we do not act now together as a community with our collective resources, resources that we have, and make the Carver Creek Campus for Permanent Supportive Housing a reality.*

*Housing for New Hope, our homeless services provider for more than 30 years, acted almost instantaneously when they found out the 48-unit affordable apartment property right next door and already literally connected to their William Square property with a shared driveway and entrance, was about to lose their 30-year protective covenants requiring affordable housing for seniors and go on the open market. Housing for New Hope's quick action along with the help of another great community partner, Self Help, allowed HFNH to get this property under contract and prevent it from being immediately lost to the open market, a reality we see happening over and over again now in Durham.*

*In about two months' time, light years when it comes to how things usually work, many stakeholders, from Duke Health System, Alliance, the faith community, private landlords, City and County Government departments and other nonprofits have come together to work on this bold vision and plan. Critical partners are pledging their commitment to provide onsite supportive services- the essence of permanent supportive housing. This is an unprecedented moment for Durham.*

*We are spending nearly \$10 million to provide a subsidy for the creation of 100 new units of affordable housing at 300 East Main Street. With the Carver Creek Campus, we can invest \$3 million and preserve 48 units of existing affordable housing for our most deeply impoverished community members, those living at 30% AMI or below, those with no or little income. It is a lot cheaper to preserve and protect existing affordable housing then build new ones. Combining these 48 units that are*

*miraculously in good condition with the 24 Williams Square units next door plus the creation of two more developable sites made possible by joining the properties, would create the opportunity for more than 120 units of permanent supportive housing and the density needed for service providers to locate on site.*

*I believe Carver Creek Campus will be one of the best and most unique Permanent Supportive Housing projects in the nation. Surrounded by trees, with Carver Creek and a future city greenway running right through it. A covered bus stop on site. Extensive sidewalks and easy accessibility to all types of amenities and health services. I could not even imagine a better place for our most vulnerable residents.*

*Since 2020, we have spent millions of dollars on non-congregate care at the Carolina Duke Inn and the Marriot. Millions on eviction diversion and rental assistance. But none of these \$ have made possible ANY permanent investments in the long term, supportive housing we so desperately need.*

*Funding the purchase of Carver Creek apartments is a good long-term investment. We can stop 48 low-income seniors from being evicted. We can attain public control of an existing affordable housing development in Durham that is in great condition. We can ensure an incredibly attractive piece of property in a fast-growing part of town is publicly controlled and developed for further public benefit. We can achieve a huge win in a battle we are losing to market forces every day in Durham.*

*Carver Creek Campus will be a national model - a permanent housing campus in Durham that incorporates a therapeutic, trauma informed approach and the healing power of nature. We can address a huge gap in our homeless, mental health, and crisis system in Durham and catch up to what our neighbors in Mecklenburg, Wake and other counties leading the way across the United States are already doing. With our aging population, diminishing existing affordable housing stock, increasing housing construction costs, and growing mental health crisis, the challenges we are experiencing with our familiar faces in Durham will only get worse...*

*Let's work together to seize this moment! In partnership, we can make possible a community, a campus, a healing, safe place where people living with severe mental illness and substance use disorder can get well and live with dignity and respect.*

*I look forward to seeing Jerry at the Carver Creek Campus one day...soon."*

### **23-0292 Unified Development Ordinance Text Amendment, Simplifying Codes for Affordable Development (TC2200001)**

Bob Chapman, Traditional Neighborhood Development Partners and Dave Olverson, Next Increment LLC, provided a presentation regarding the Unified Development Ordinance Text Amendment, Simplifying Codes for Affordable Development.

Mr. Chapman, listed 12 objectives that would make housing more affordable:

1. Donate vacant land for affordable housing
2. Allow accessory dwelling units on single-family lots
3. Reduce minimum lot size
4. Streamline permit process and timeline
5. Create transit-oriented development zones
6. Expand by-right multifamily zoned areas

7. Increase density not land consumption
8. Eliminate or relax residential property heights limits to be better stewards of the land
9. Last mile transportation alternatives at transit stops
10. Best practices of urbanism were inclusive, diverse and equitable
11. Eliminate or reduce off-street parking requirements
12. Allow mixed-use development in retail, office and manufacturing zones.

Vice-Chair Jacobs expressed the need to address problematic issues with the current process around rewriting ordinances. She stated there was a concern of putting residential housing in industrial areas. Vice-Chair Jacobs would like planning staff to provide a list of what was considered acceptable from proposed SCAD ordinances to be included in current revisions of ordinances and which ordinances staff did not support or require more rigorous analysis as part of revisions of UDO with upcoming adoption of revised Comprehensive Land Use Plan.

Questions were raised around the process of how amendments were beneficial for the planning department and if amendments were brought to the planning department from local or corporate/national builders. Sara Young, AICP, Planning Director, stated there were several items included in the updates that were problematic to the planning department – *setbacks regarding housing in corner lots* – however changes were identified, and changes could be made in the next omnibus. Mr. Olverson added amendments were brought to the planning department from local builders to build affordable housing.

Ms. Young confirmed the project was not an all or nothing project, stating the omnibus was reorganized by topics that would allow governing bodies to choose which items could move forward.

**Directive: Planning department to return with recommendations listed in categories and to include setbacks and parking issues.**

### **23-0318 ARPA Update**

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

The American Rescue Plan delivered \$350 billion for state, local, territorial, and Tribal governments to respond to the COVID-19 emergency. Durham County received \$62,445,275. ARPA funds supported several priorities including a public health response due to COVID-19, addressed negative economic impacts, replaced public sector revenue loss, and funded premium pay for essential workers. Funding use also addressed water, sewer, and broadband infrastructure and other priorities as identified in the US Treasury Final rule. Funding must be encumbered by 2024 with all invoices paid by 2026.

Claudia Hager, Deputy County Manager, shared staff was actively working on updating the website to show who received funds and would provide the link to the Board which showed the contracts, services provided and the exact numbers for each entity that received ARPA funds. She added funds identified had not been spent, however since the language changed funds were anticipated to be spent soon.

The Board questioned what was recommended and what would happen with ARPA funds. Ms. Hager responded there would be a realignment of funds. She added staff would come back with additional suggestions if other conversations were needed.

**23-0284 National Opioid Settlement Funding – Report on Community Engagement Efforts and Possible Next Steps**

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

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

County Manager Dr. Sowell recommended the first step of authorized spending was a request to establish and hire a Behavioral Health Manager to assist with opioid issues; once approved, it would allow for recruitment.

Gudrun Parmer, Criminal Justice Resource Center Director also recommended the use of Opioid Settlement funding for syringe distribution as no federal funding was provided. She stated the purchase of one (1) spectrometer would be beneficial for testing of the drug supply within the harm reduction community and the machines would cost about \$40,000.

Ms. Parmer mentioned Alliance Health and EMS had an abundance of Narcan available to provide for opioid overdose, however the quantities could change at any moment.

**23-0305 FY24 Durham Transit Work Program**

The Board held a discussion on the FY24 Durham Transit Work Program.

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

On April 21, GoTriangle sent Durham County a letter stating that GoTriangle would no longer allocate 50 percent of the vehicle rental tax to Durham, Orange, and Wake counties in the upcoming FY24 budget. This removed \$1,515,118 from the projected FY24 revenues. Durham County staff recommended the Board defer action on the work program until after the Staff Working Group (SWG) could meet to consider how to address this change. Through approval of the FY24 Work Program, the Board would approve the designation of the agency hosting the Staff Working Group Administrator. This was proposed to be Durham County starting in FY24.

Saundra Freeman, Chief Financial Officer, GoTriangle, confirmed the rental tax was collected by GoTriangle and that 50 percent was retained for GoTriangle use, while the other half was to be distributed to other counties based on size. She added funds were needed to maintain operations and the sales tax would perform better than other sections of the Transit Plan with no harm to the plan.

Discussions were held around bus stop funding and administration costs. Ms. Freeman stated the FY24 Work Program was not updated to include the cost of sales tax, so funds did not have to come directly from the fund balance for admin costs. Katharine Eggleston, Chief Development Officer of GoTriangle, added 11 bus stops were completed to date and the improvement program was successful with funding.

Ellen Beckmann, Transportation Manager confirmed the \$90,000 Transit Plan Tracker would be a new one-time expense to create a website like Wake County to track and display transit plan projects. She noted this would require ongoing maintenance and updates.

Ms. Beckmann stated the government study was approved in March 2023, which called for a development of financial policies. She added the policies would outline financial requirements that were followed in the Transit Plan and included topics pertaining to a minimum fund balance and adequate reserves to operate capital funds.

In terms of GoDurham Access, Ms. Beckmann noted a study was funded with the City of Durham to determine the areas of improvement and identify solutions to expand services.

Ms. Beckmann stated the next steps would refer the Work Program back to the SWG for a new recommendation to address rental car tax and work on additional information on the Bus Stop Improvement Program.

**Directive: Ellen Beckmann to provide a detailed list of the number of staff working on the project and any forthcoming staff funding.**

### **23-0294 Durham County Transit Plan**

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

The Durham County Transit Plan was required by state legislation that enabled the local option half-cent sales tax for public transit improvements. The plan must be adopted by the Board of County Commissioners, the GoTriangle Board of Trustees, and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Board. The plan was first adopted in 2011, with an update in 2017, and was centered around the Durham-Orange Light Rail Transit project. In 2019, GoTriangle discontinued the light rail project, and there 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, Transportation Manager, shared with the Board the presentation included the final recommended Transit Plan with an adoption of the plan to be requested on May 22, 2023. She stated the language was changed to be broader for the inclusion of; *the improvement of current system, create additional projects, connect the region with quick and reliable service, and to create better experiences at bus stops and stations.*

Ms. Beckmann answered questions pertaining to the transit center, the passenger rail and the need for sidewalks. She confirmed the transit center was included in the original plan with the City providing preliminary planning – the intent for transit center was to be the second highest priority. Ms. Beckmann added the passenger rail was not directly addressed in the plan; however,



GoTriangle looked at different segments of the project to try to provide better insight into the passenger rail. Doug Plachcinski, Executive Director, DCHC MPO, stated some sidewalk improvements were expected to be paid for by the plan but not sufficient to fix all the needs without joint work.

The Board inquired about the implementation metrics would be published on the website. Ms. Beckmann stated the metrics were preliminary and would be posted on the website.

### **Closed Session**

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

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

The motion carried unanimously.

### **Reconvene from Closed Session**

Al Andrews, County Attorney, announced the Board held a discussion on the pending lawsuit pertaining to former County Manager, Wendell Davis.

Commissioner Burns moved, seconded by Vice-Chair Jacobs, to agree to settle the lawsuit *Wendell Davis v. Durham County*, as the Board was briefed by the County Attorney, and resolved all open matters and disputes related to the complaint.

The motion passed with the following votes:  
Ayes: Burns, Jacobs, Howerton  
Noes: Carter

### **Adjournment**

Commissioner Allam moved, seconded by Commissioner Burns, to adjourn the meeting.

The motion carried unanimously.

The meeting was adjourned at 4:04 p.m.

Respectfully submitted,



Shaunecie Wardrick

Administrative Assistant