

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

Tuesday, September 3, 2024

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

Presider: Chair Nida Allam

Zoom Hybrid
Participants: 14

Closed Session – 9:00 AM

The Board requested to adjourn to 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 Burns moved, seconded by Commissioner Carter to adjourn into
Closed Session.

The motion carried unanimously.

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, September 1st at 12 noon.

Pam Andrews, Wanda Allen, Heidi Grable and Donna Stainback, spoke on not supporting the proposed annexation changes and they also shared a PowerPoint presentation with photos and background information.

“We do not support the proposed Annexation Outside the UGB document from Sara Young of the Planning Department. We (Durham County and City) just approved the UGB and zoning/place types in the Comprehensive Plan in October 2023. Eastern Durham County and a large number from Cheek/Redwood Rd and Patterson Road opposed adding areas to UGB by sending over 465 signatures-on-petitions and emails.

This was documented by the Planning Department. We should be able to present/speak for adding (or not adding) new parcels (developments planned). We believe the County has the legal right to oppose rezonings outside the city limits. This letter from Planning Department takes more rights away from the county citizens and the BOCC for areas not already in the city and especially outside the Urban Growth Boundary. The UGB and zonings/place types were voted on by a Joint Durham County-City vote.

We did analyze the questioning and answers at the May 6th 2024 meeting for the BOCC requesting more input to these rezonings/annexations changes by asking about the actual 751 changes (meeting minutes 46:50 stating less is being done for the county ... to minute 54.44) I fully appreciated the County Commissioner questions. We also heard Sara Young say, that the State did not remove the County from the rezoning process-the city made changes to adapt to the State rulings on 751. For the city Sara Young said (logically) that the ability to annex lies with the City. This proposed process needs more analysis and more involvement from the County. The related process changes should be delayed or modified to enable the County rights for rezoning, esp. outside the new UGB. Please keep the rezoning rights and annexation recommendations better protected. For the most part the City wants more dense developments with 2K to SK square feet per dwelling unit. These developments mass grade and strip trees needed by the Falls Lake watershed and create extensive sediment runoff to neighboring property, and creeks next to the Falls Lake Critical Watershed. We need the County to not sign or approve their rights away for County areas by NOT approving this Planning Department letter and not approving the strongly worded recommendation (with subtle removal of the BOCC from process) at the JCCPC on September 4, 2024.

We also heard and analyzed the JCCPC June, 2024 meeting where the Planning Department tried to railroad the attending County Commissioners into less involvement in the process. We have already sent an email about not approving this letter and so have many informed county residents. If this procedure is approved, then there will be many disengaged county residents. Not allowing a public hearing, only the 30-minute total for all citizens input prior to the meeting on the rezonings, and then eventual annexations (4-3 votes City Council is the majority of planning requests) is taking additional rights away from the county citizens and impacted neighbors. FYI, As an example there is currently a development going through the planning application process for rezoning and annexation outside the UGB at 4802 Cheek Road that flows into the Walker Project Creek restoration and adjoins this Permanent Conservation Easement. We already have documented input against this project. They have increased this project from 126 to 201 dwellings. The Neighborhood meeting is Sept. 4 2024. This is especially important to me since I lived many years across Cheek Road. The neighborhood is the center of rural Redwood (across from Fire Dept and Ruritan). The neighbors to this project are dear to me. Much of the current county has this type of history. We do not want all the problems, like blasting, sediment runoff, loss of needed trees, water impacts, and loss of neighborhood feel, that these annexations are causing. Durham needs to keep some of its Green Feel and the County needs to be in charge of this type of change of areas not in the city, especially in the Falls Lake Watershed with impaired creeks and impaired Falls Lake area.”

Consent Agenda

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

24-0452 Approval of the 500 E. Main St. Affordable Housing Development

Peri Manns, ASLA, LEED GA, Deputy Director, confirmed the housing development was aligned with HUB requirements and were reviewed with the finance department. He added in the original documents, after 50 years, the County would have the right of first refusal should the property owner not continue to maintain the property as affordable.

24-0453 Budget Ordinance Amendment No. 25BCC013 Recognizing \$246,000 in Grant Funding from the Institute for Intergovernmental Research (IIR) through the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP) for the Initiative to Build Bridges to Increase Access to Opioid Use Disorder Treatment Options in the Nations' Jails Project for the Durham County Sheriff's Office

Tammy Vaughn, SMART Program Supervisor, clarified the grant would provide the following: 90 days temporary housing, additional TVs in the jails, contract and hire a certified Drug/Alcohol Specialist, additional supplies, and travel arrangements to explore treatment options.

She added the Sheriff's office was currently partnered with the Freedom House, Oxford Housing and Straight Talk Transitional Housing.

24-0456 Approval of Capital Project Amendment No.25CPA00008 Appropriating \$307,428 of ARPA Funding and \$115,000 of Budgeted Debt Service Funding to the PAYGO Fund to Support the New JSD Transition House Renovation Capital Project (4370DC001) with a Total Project Budget of \$422,428: as well as Authorize the County Manager to Execute a Contract for Architectural Design Services with RND Architects, PA totaling an amount of not-to-exceed \$336,618 for the Project

Peri Manns, ASLA, LEED GA, Deputy Director, explained the project was for the renovation of the existing transition house. He continued to say housing was ran by Justice Services to house male residents who were recently released from incarceration.

Mr. Manns added the design team completed an evaluation to determine if the house should be repurposed or if the County should create a new building on the site.

24-0523 Budget Ordinance Amendment No. 25BCC018 to Recognize \$72,204 from the NC DHHS Division of Public Health Epidemiology Section Communicable Disease Section Branch

The Board requested documents which showed the amount of funds received for Public Health within the fiscal year.

Directive:

- **Staff to provide documents which showed the amount of funds received for Public Health within the fiscal year.**

24-0546 Approve Conveyance of Controlled Access Right-of-Way and Utility Easements o NCDOT at 15-501 and Garrett Road

Celeste Burns, Open Space/Real Estate Manager, confirmed that conservation and the value of land would not be impacted.

24-0564 Approve Thirumala Restaurant Lease Amendment to Extend Rent Commencement to May 1, 2025

Nancy Mitchell, Senior Real Estate Officer, confirmed the investments that were made would be applicable to future restaurants who may utilize the space. She added, no additional funding would be needed from the County.

There were no questions regarding the items below:

24-0328 Approval of Budget Ordinance Amendment No.25BCC016 Recognizing a \$1,500,000 Grant Award from the Engineering and Environmental Services, Sustainability Division of the US Department of Energy to Create and Implement the Energy Burden and Emissions Reduction Program (EBERP), as well as Authorize the County Manager to Sign and Execute All Related Contracts

24-0490 Approval of Budget Ordinance Amendment No. 25BCC017 for the Department of Social Services to recognize Duke Energy Carolinas, LLC 2024 NC Rate Settlement Funds #2 \$22,000.00

24-0510 Approval to enter into a contract with Envirotrol, LLC, in the amount of \$51,445.00 for Eddy Current Testing at Various County Facilities. Funding for this repair is currently available in the FY 2024-25 operational budget.

24-0519 Approval to Amend a Contract with Capital Marketing Solutions, LLC dba Alphagraphics of Downtown Raleigh for Ballot Printing Services in the amount of \$60,000, for a new total of \$182,315.13

24-0520 Approval to amend a Contract with SouthData, Inc, for Printing and Mailing Services in the amount of \$101,089.95 for a new total of \$140,089.35.

24-0521 Public Health to create a Grant-Funded Community Health Worker 1.0 FTE position using previously recognized funds from NC DHHS Division of Public Health Women, Infant and Community Wellness Section.

24-0522 Budget Ordinance Amendment No. 25BCC019 Public Health to Recognize \$140,350 from the NC DHHS Division of Public Health Epidemiology Section of the Communicable Disease Branch for COVID-19

24-0527 Approval to Enter into a Contract with NWN in the amount of \$264,352.12 o renew support for Varonis Cloud and Security Analytics licenses.

24-0528 Budget Ordinance Amendment No. 25BCC022 for the Department of Social Services to recognize Duke Energy Progress Energy Neighbor “Share the Light” (STL) Funds of \$24,368

24-0536 Approval of Contract Amendment for Stormwater Operations Specialists, LLC for Sewer Easement Maintenance Services in the Amount of \$60,600 Bringing the Total Amount to \$172,750 with a not to Exceed Amount of \$197,000

24-0538 Approval of FY 2025 Durham Annual Transit Work Program Revenue Amendment

24-0539 Capital Project Amendment No. 25CPA009 Appropriating \$3,500,000 in 2022 General Obligation Bond Funding for a Durham Technical Community College Campus Adjacent Land Purchases (\$3,200,000) and a DTCC Campus Police Offices Renovation (\$300,000)

24-0540 Capital Project Amendment No. 25CPA010 Transferring \$3,500,000 in 2022 General Obligation Bond Funding from the Durham Technical Community College Allied Health Sciences Building project (5920CC020) to a new Utility Lines Burial project (5920CC024)

24-0541 Approval of Federal Aviation Administration Grant Offer 3-37-0056-070-2024 in the amount of \$35,478,766.00 on behalf of the Raleigh-Durham Airport Authority

24-0542 Capital Project Amendment No. 25CPA011 Transferring \$900,000 of Budgeted Debt Service Fund Dollars to the PAYGO Fund to Support Appropriation of \$900,000 to a new Durham Technical Community College Roof Replacement Project (59205300CC025)

24-0548 Acceptance of Federal Aviation Administration Grant Offer 3-37-0056-071-2024 in the amount of \$10,000,000.00 on behalf of the Raleigh-Durham Airport Authority [draft version]

24-0551 Approval to Amend the Previously Approved Service Contract with Psychiatric Services and Consultation to the Correct Amount of \$154,053.90 to Provide Mental Health Services in the Durham County Detention Center

24-0552 Approve Two Farmland Conservation Easement Projects - Ken and Janine Wolfe for 30 acres at 1444 Bacon Road, Rougemont and Clifford and Raelene Teasley for 17 acres at 6815 Wiley Mangum Road, Bahama

24-0558 Budget Ordinance Amendment No. 25BCC020 to Recognize \$100,000 from NC DHHS Division of Public Health's Local and Community Support Section to Support the 10 Essential Public Health Services

24-0559 Budget Ordinance Amendment No. 25BCC021 Public Health to Recognize \$10,000 from the NC DHHS Division of Public Health Women, Infant, and Community Wellness Section and Maternal Health Branch to Purchase Medical Supplies to Manage Hypertension and Diabetes During Pregnancy

24-0570 Budget Ordinance Amendment No. 25BCC026 Cooperative Extension to Recognize a \$50,000 Grant Award from Positive Childhood Alliance North Carolina (PCANC) to Support Cooperative Extension's Welcome Baby Resource Program

24-0571 Approval of Capital Project Amendment No.25CPA012 and Budget Ordinance Amendment No.25BCC023 Appropriating \$626,373.59 of Debt Service Fund Dollars and Transferring the Funding to the PAYGO Fund to Cover the Sales Tax Associated with the Multi-Department Radio and Tower Capital Project 4330DC005 for County Wide Radio Replacement (\$580,524.32), Durham Public Schools Radio Replacement Capital Project

59105400SH321 (\$23,837.70); and the Durham Technical Community College Radio Replacement Project 59205300CC021 (\$22,011.57)

24-0573 Rescind Board Approved Agenda Item 24-0183 from August 26, 2024, and Approval of Capital Project Amendment No. 25CPA013 and Budget Ordinance Amendment No. 25BCC024 Appropriating \$200K of Budgeted Debt Service Fund Fund Balance and Transferring the funding to the PAYGO Fund for the Project Build Renovation at Shoppes of Hope Valley Capital Project (47302635DC161), as well as Authorize the County Manager to Execute a Contract for Architectural Design Services with RND Architects for the Project Build Renovation at Shoppes of Hope Valley Capital Project

24-0574 Rescind Board Approved Agenda Item 24-0179 from August 26, 2024, and Approval of Capital Project Amendment No.25CPA00014 and Budget Ordinance Amendment No.25BCC025 Appropriating \$350K of Debt Service Fund Balance, Transferring \$350K of Debt Service Fund Fund Balance to the PAYGO Fund, and Appropriating \$350K from the PAYGO Fund to the Durham County Sheriff's Training Facility Capital Project (4310DC091) for Preconstruction activities; as well as Execution of a Contract for Preconstruction Services in the Amount of \$202,003.00 with CT Wilson Construction Co./Rankin III Grading for the Durham County Sheriff's Training Facility Project

Discussion Items

24-0531 Presentation from Equitable Well-Being

The Board received a presentation from Equitable Well-Being. This presentation provided updates on the work the team had done since the office was established in 2023, programs, initiatives, and new strategies forward.

The Board inquired if there were active *Government Alliance on Race and Equity (GARE)* groups. Dr. Brent Lewis, Director of Equity Well-Being, stated majority of his colleagues were members and attended meetings but was not sure of an exact number of active groups.

Dr. Lewis, shared GARE created a checklist on racial equity which provided questions and framework for decision makers surrounding budget, policies. He continued to say, his team could create a checklist for the Board as decision makers regarding the work done centered around racial equity.

Cassandra Kiger, Manager, shared it would be difficult to have a separate Language Access Coordinator for the City and County due to funding options and it would be difficult to switch funding from the City to the County due to the ability of contracts. Shannon Trapp, Chief of Staff added, the position was not FTE approved and would be a provisional position for one (1) year. Mr. Lewis also shared a partnership with the County's Public Information Office would be coordinated to ensure a translator would be present at Board meetings.

24-0543 GoDurham ACCESS Presentation

The Board was requested to receive a presentation from GoDurham ACCESS. This presentation would provide a summary of the Paratransit Improvement Services Study and its associated findings.

GoDurham ACCESS was the coordinated demand response transit service for the City and County. It provided curb-to-curb (or door-to-door upon request) ADA paratransit service to eligible riders within the City limits. GoDurham ACCESS also provided transportation options for County residents who were age 60 or older, had a disability, or resided in rural areas of Durham County.

Brian Fahey, Mobility Services Manager, GoDurham ACCESS, answered questions pertaining to GoDurham ACCESS working with employers to ensure employees had a way to get to and from work and if the buses would be available 24 hours a day. He stated a combination approach was being done to work with employers especially surrounding the airport. Mr. Fahey continued to say, GoDurham ACCESS would not operate 24 hours a day and hours would be consistent with GoDurham bus services.

Mr. Fahey confirmed GoDurham ACCESS partnered with Aging Well Durham and created a senior shuttle.

Ellen Beckmann, AICP, Transportation Director, Durham County, shared a new bike plan would be coordinated with the City, which would identify future needs due to there being a huge scale of need for sidewalks.

24-0547 Informational Report – County Commissioners Input on Annexations

The Board was requested to review and provide input on the proposed changes, particularly the new review process for annexations outside the Urban Growth Boundary.

Discussions were held regarding the County Commissioners input on annexations. Legally in North Carolina, County Commissioners had no authority over annexations; however, County Commissioners were included in meetings held with the City Council and received current listings of annex projects that were filed.

The Board requested to include a list of projects on future agendas as an informational item.

Sara Young, AICP, Planning Director, shared rezoning requests were received that were not consistent with the future land use map. She continued to say, if the governing body approved the rezoning, the land use map would automatically change.

Curtis Massey, Interim County Attorney, confirmed to ensure the County Commissioners stayed within the right of the law, comments and/or recommendations would be allowed during the public comments portion of the meetings. Residents would also still be allowed to speak on annexations at the Planning Commission meetings.

Ms. Young made the following suggestions to include at the Joint City-County Planning Committee (JCCPC) meetings:

- Provide verbatim comments between the County Commissioners to the Clerk
- Keep pending consolidated annexation cases report except when the summary was brought before JCCPC – specifically highlighting cases where annexations were in specific growth boundary but had a different place type.
- Clerk could summarize cases as part of minutes.
- Stop emailing for individual comments

- Applicants stop presenting cases outside of growth boundary to County Commissioners at work sessions.

Those concluded the above suggestions.

24-0549 Business Recruitment Program Policy Update

The Board was requested to receive a presentation on Durham County's Business Recruitment Program Policy and provide direction to staff.

The policy was most recently updated in 2020. Since that time, the Business Recruitment Program had been successful, supporting \$2.9 billion in projected investment, 6,000 jobs, new and growing industries, and numerous community partnerships. At the 2023 National Association of Counties (NACo) conference, the program won a national achievement award in economic development.

In 2021, portfolio companies, exceeded job targets by 959 jobs by creating and/or maintaining 1,648 jobs (versus the 689 projected jobs). Matthew Filter, Economic Development Manager, clarified those numbers could change yearly due to the economy and job market.

Andy Miracle, Economic Development Director, spoke on the progress of the investment in childcare with companies, however the hardest task was achieving spaces due to rising costs.

Curtis Massey, Interim County Attorney, clarified not all policies were adopted by the Board, however, this policy was different considering the County Commissioners could define how to support and engage in economic incentives.

The Board requested diversity workforce data from companies and how companies plan to support employees with family-friendly policies.

The Board suggested a partnership between companies or provide a subsidy for onsite childcare as well as what it would take to create an education to jobs pipeline for residents to be prepared for employment. The Board also suggested to update the policy language to reflect Durham County's compensation connected to companies and to provide a data chart reflecting the tracking system for easier access for residents.

Directive:

- **Staff to inquire about diversity workforce data from companies and how companies plan to support employees with family-friendly policies.**
- **Staff to inquire about a partnership between companies or provide a subsidy for onsite childcare.**
- **Staff to inquire about creating an education to jobs pipeline for residents to be prepared for employment.**
- **Staff to inquire about updating the policy language to reflect Durham County's compensation to companies.**
- **Staff to provide data chart reflecting tracking system for easier access for residents.**

24-0553 American Rescue Plan Act Update

The Board requested to receive 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, confirmed the contract for land trust was approved at the August 12, 2024, Regular Session. John Keffer, Grants Administrator, added additional information pertaining to the Request for Proposals (RFP) would be provided once signatures were procured.

Mr. Keffer shared the language in the Interlocal Agreement (ILA) of higher standards for Durham PreK was in the starting stages but would allow for more specifics.

24-0555 Broadband Infrastructure Funds Update

The Board received an update on broadband and digital equity funding from the NC Department of Information Technology, Broadband Infrastructure Office (NCDIT). Discussions would highlight federal and state infrastructure funds available to address digital equity gaps, including allocations awarded from the Growing Rural Economies with Access to Technology (GREAT) grant. The GREAT grant allocated funds to Internet Service Providers (ISPs) to deploy broadband services to thousands of North Carolinians, businesses, and farms in underserved communities. Frontier and Lumos were awarded GREAT grants in Durham County, bringing high-speed internet to approximately 1,776 households by December 2026.

The presentation highlighted other infrastructure funds, including the Completing the Access to Broadband (CAB) grant, which allowed counties to apply for funding which supported broadband deployment projects. CAB-funded projects required matching investments from counties and the selected broadband service providers. The update clarified the next steps in the application process for CAB funds and highlighted other infrastructure funds that would become available in outlying years.

Jeffery Brooks, MC Department of Information & Technology, Broadband Infrastructure Office, shared the County had the option of prioritizing locations who received broadband funds; however, he suggested the County does not use that option due to there being no legal requirement of the bidder having to bid on the proposed locations.

Discussions were held regarding upcoming steps for residents to receive updated broadband infrastructure. Claudia Hager, Deputy County Manager, stated \$10,000,000 of funds were originally allocated, however the amount was reduced to repurpose funds for other needs. She continued to say the two (2) GREAT grant recipients – *Lumos and Frontier* – would help 1,700 locations receive broadband and they were on schedule to meet their targets.

Mr. Brooks shared federally regulated utility companies were required to offer poll space to broadband providers and were allowed to charge them a poll attachment fee. He stated

cooperatives held separate relationships were committed to a fixed price to buy power. Mr. Brooks continued to say utility companies did not share conduit and would not split the costs to run fiber together.

24-0561 Department of Tax Administration 2025 Reappraisal Update

The Board was requested to allow the Department of Tax Administration to provide a 2025 Reappraisal update. This presentation provided the Board with current market statistics. The Board would also be provided with information regarding how current market statistics may impact Durham County's countywide reappraisal.

Keyar Dole, Tax Administrator, answered questions pertaining to how often the Tax Department visited the library branches to discuss reappraisals and any questions residents had. He stated historically, the Tax Department would visit the library branches over a period of two (2) weeks in mid-February to March to allow residents to view their bill from the reappraisal. My. Doyle continued to say residents would be isolated in a general environment to conduct conversations with a tax appraiser by appointment only.

The Board suggested the Tax Department share the 2025 Reappraisal Update with the City Council and to add an appendix to schedule for values.

Claudia Hager, Deputy County Manager, stated staff would confer with the Tax Department and the City Council to determine the correct course of action on relaying information to the public.

Mr. Doyle shared historically trends were not shared on the County website due to raw data but was not opposed to compiling and sharing the data with the public.

The Board inquired if the commercial properties were assessed as fairly as residential property. Mr. Doyle confirmed commercial properties were being assessed the same as residential properties and would inquire about making the schedule of values more user-friendly.

Directive:

- **Staff to meet with City Council to share 2025 Reappraisal Update.**
- **Staff to add an appendix to schedule for values.**

24-0563 Review of County Commissioner Directives

The Board was requested to review staff follow-ups regarding previously issued directives.

Board directives from previous meetings as well as staff follow-ups were reviewed at monthly work sessions. Staff strived to have all directives input into the system as accurately as possible as soon as they were issued and to follow-up with the Board and/or other relevant parties in an appropriate time frame.

There were no discussions pertaining to the review of County Commissioners' directives.

Adjournment

Commissioner Howerton moved, seconded by Commissioner Carter, to adjourn the meeting.

The motion carried unanimously.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sh. Wardrick', with a stylized flourish at the end.

Shaunecie Wardrick
Administrative Assistant