

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

Monday, December 4, 2017

9:00 A.M. Worksession

MINUTES

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

Present: Chair Wendy Jacobs, Vice Chair James Hill and Commissioners Heidi Carter,
Brenda Howerton, and Ellen Reckhow

Presiders: County Attorney Lowell Siler and Chair Wendy Jacobs

Other Business

Election of Chair and Vice-Chair of the Board of County Commissioners

Attorney Siler presided over the election of the Board's Chair. The newly elected Chair would preside over the election of the Vice Chair.

Commissioner Carter moved to nominate Commissioner Wendy Jacobs for Chair.

The motion carried unanimously.

Chair Jacobs thanked the Board and stated that it was an honor to serve as Chair.

Chair Jacobs moved, seconded by Commissioner Carter, to nominate Commissioner James Hill for Vice Chair.

The motion carried unanimously.

Approval of Public Official Bonds

The Board was requested to approve the bonds of public officials on the first Monday of December of each year. Following approval, the bonds would be recorded in the Register of Deeds Office and then sent to the Clerk of Superior Court for safekeeping.

Commissioner Howerton moved, seconded by Vice Chair Hill, to suspend the rules.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Commissioner Howerton, to approve the Public Official Bonds.

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 requested to refrain from addressing issues related to personnel matters.

Maya Bryant, Miss Zebulon 2018, advocated for arts education in North Carolina and wanted to encourage participation in the arts in schools and in the community.

Chair Jacobs asked Miss Bryant to let people know how to contact her. Miss Bryant stated that she could be reached on social media under the handle of “misszebulon_nc” or at the email address listed on the sign-up form. Chair Jacobs hoped that Durham Public Schools would reach out and connect with Miss Bryant.

John Tarantino, of Durham Satire, performed a musical selection for the Board in memory of Mariah Woods, a three (3) year old who was declared missing from her Jacksonville, NC home on November 27, 2017.

Frank Pokrass encouraged the Board to consider offering a 1% discount for early payment of annual property taxes—other counties had previously utilized this discount. He listed the possible benefits the County and residents would reap from this payment option.

Chair Jacobs stated that the Board would hear a report from the Tax Administrator in January 2018 and that the Board could ask that data related to this be included. Commissioner Reckhow recalled that the County used to offer a 1% discount for payments made in August, but thought that the removal of this practice was due to a change in the state statute—she requested that staff look into the matter.

Kevin Jeter, Gary Bush, and Dominique Walker announced that they were at the Worksession on behalf of the North Carolina Central University Master of Public Administration Department. The graduating seniors presented the results of a survey they administered to Durham residents near the NCCU campus in order to collect information regarding the public’s opinion on the removal of confederate monuments. The survey had 12 questions which gathered demographics and used Likert-type scales to gauge opinions on monument relocation funding, new location, and public visibility of new location. They agreed to provide a pamphlet to the Board with the results of the study. Notable results were: 58% of respondents had little information on confederate monuments in Durham County; 51% of respondents strongly agreed that the confederate statue should be removed from public spaces; and 22% agreed that the statue should be removed from public spaces. Their recommendations included not using public funds for maintenance or restoration of the confederate soldier monument, leaving the sale of the Old Durham County Courthouse to Mr. George Larson remain as-is so as to prevent using public funds to move the monument; establishing a diverse and permanent community outreach taskforce to engage Durham County residents about future changes to exterior of historic, district, or landmark properties; continuing the study they conducted to gain further data and input from residents in the Hayti community.

Chair Jacobs thanked them for their report and noted that a proposal for a Public Monument Commission was currently in the works. Commissioner Howerton wanted to ensure that all members of the community were included and looked forward to the young team remaining engaged in the future.

Cynthia P. Fox, member of Inside-Outside Alliance, stated that James Earl Staton Jr. recently died in the Durham County Detention Center—the sixth death of the year. She felt that the County was not being proactive enough in preventing detainee deaths.

Lucy Bergwall, member of Inside-Outside Alliance, read a letter from Todd Pope, a detainee, who criticized the Detention Center’s mental health pod for lack of use, ineffectiveness of staff, and aggressiveness of detention officers. Chair Jacobs asked that Ms. Bergwall give a written copy of her comments to the Clerk via email.

Melissa Gamble, member of Inside-Outside Alliance, read a detainee’s letter which addressed the poor conditions of food in the Detention Center.

Abdul Jalil Rasheed Burnette, member of Inside-Outside Alliance, described his son's negative experience in the Detention Center as a mildly autistic person. He stated that his son had to use money on his account for his medication while in the Detention Center. Mr. Burnette asked that County perform a thorough investigation of the jail.

Chair Jacobs inquired whether the citizens’ concerns were made known to Sheriff Andrews. Mr. Burnette stated that Sheriff Andrews saw them outside every week protesting.

Commissioner Reckhow suggested that staff alert the Sheriff’s Office to watch the Citizen Comments item in the video recording of this Worksession online.

Commissioner Carter wondered whether there was an official way to file complaints or grievances with the Detention Center that would be followed up with in an equitable manner. Chair Jacobs believed that there was a process for filing complaints within the Detention Center for detainees.

She requested that the Manager ask the Sheriff’s Office for a report addressing what the process was for filing a grievance for detainees and family members of detainees.

Vice Chair Hill stated that there was a kiosk to start a grievance process available to detainees inside the Detention Center. Commissioner Carter inquired about the existence of a grievance policy that helped guide the process. Chair Jacobs asked the Clerk to forward Ms. Lucy Bergwall’s letter to the Sheriff.

Directives:

- **Staff to look into whether the County could offer a 1% discount for early payment of annual property taxes and data regarding this practice. The removal of this practice might have been due to a State statute.**

- Staff to alert the Sheriff’s Office to watch the Citizen Comments item in the video recording of this Worksession online.
- Manager to provide the Board with a report from the Sheriff’s Office addressing what the process was for filing a grievance for detainees and family members of detainees as well as whether a grievance policy that helped guide the process existed.
- Clerk to forward Ms. Lucy Bergwall’s letter to the Sheriff.

Discussion Items:

17-0522 Update on the Construction of the Administrative Building II Renovation (former Judicial Building)

The Board was requested to receive an update from the project team on the construction of the Administrative Building II Renovation (former Judicial Building) located at 201 E. Main Street.

Peri Manns, Deputy Director of Engineering and Environmental Services, provided the schedule update on the project that included the work completed in the last thirty days, work planned for the next thirty days, anticipated completion, and anticipated occupancy. Mr. Manns stated that the construction remained on schedule. Anticipated completion for the project was in early summer 2018 and anticipated occupancy was in early fall 2018.

Chair Jacobs was curious about the exterior design of the building as it did not appear to resemble the illustration in the PowerPoint—the illustration featured strong horizontal lines which were not currently on the building. Josh Brady, Project Architect at O’Brien/Atkins Associates, stated that the horizontal sun shades would soon be installed. Chair Jacobs stated that she was glad that the construction remained on schedule, but wondered about the budget. Mr. Manns confirmed that it was also on budget. Commissioner Reckhow inquired as to what was the approved budget. Mr. Manns stated that the overall budget for the project was a little over \$47 million and it was approximately \$38.9 million for the construction. Commissioner Reckhow asked if it would cost more than the library. Mr. Manns clarified that the overall construction cost for the Main Library was about \$39 million.

Lead artist for the public art component of the project, David Wilson from Wilson and Utley Artistry, stated that Hotel Malbourne was an iconic 1900s landmark that occupied the current renovation site. The hotel’s initial proposed name was “Taurus” (Latin for "the Bull") and they used this as their creative inspiration for the public art. The proposed art piece drew a natural association between Durham “Bull City” and Malbourne’s original proposed name. It would be made of metal and there would be dynamic LED lights at the base of the piece that could be changed according to different events occurring in Downtown Durham—e.g. the CenterFest Arts Festival, Durham Bulls, DPAC, and Pride March.

Mr. Manns stated that Durham County staff worked directly with Chris Ogden, Durham Arts Council, for the public art process. The County went through an RFQ process and had a committee established that reviewed the proposals and selected the artist—the artist was under contract for design only. A Structural Engineer had been engaged to determine site specific footings and foundations. The Public Art Committee was reviewing Mr. Wilson’s concept and submitted it to the Durham Arts Council for their review. The public art was anticipated to be

installed in early summer 2018. The monumental designation for the Administrative Building 2 required that public art be included in the site plan.

Commissioner Reckhow wanted to know who served on the Durham Public Art Committee that held a meeting on June 21, 2017. Mr. Manns stated that the Durham Public Art Committee consisted of representatives from the Purchasing Department, General Manager Deborah Craig-Ray, representatives from the Library, and Engineering and Environmental Services staff. Commissioner Reckhow felt that this matter should have been brought to the Board in order to have had a broader public input process—allowing public input would have ensured that the public could relate to the public art. Considering the context of where the community was, she felt that the County needed to be making statements of unification through the public art. Commissioner Reckhow stated that the proposed public art resembled a weapon, felt cold, and did not appear inviting. She also thought it was overpowering of the building. Mr. Manns clarified that it was a 2-step process in which the Durham Public Art Committee selected the artist and the concept was reviewed and approved by the Durham Arts Council on June 21, 2017. Commissioner Reckhow was disappointed that the Board was never advised and were the last to hear about this.

Commissioner Howerton felt that art was becoming another area of exclusivity in Durham. She knew of about five (5) organizations that were involved in art and rather than pulling them together, new groups were created. Commissioner Howerton did not feel that this piece was what she would have chosen.

Mr. Wilson stated that his team applied for the RFP twice and were the only applicants. In terms of the proposed piece, he stated that not every piece that was created needed to respond to every social issue. He added that the request for public art called for the creation of a piece that captured the history of Durham in some way and the proposed piece satisfied that request.

Commissioner Howerton asked Mr. Wilson to describe the intent of the piece. Mr. Wilson stated that the intent of the piece connected back to the phrase “and as above, so below,” with the connection to Durham, Bull City, Taurus (the would-be name of the hotel), and the Taurus constellation. There were multiple layers and meanings to the piece. Mr. Wilson added that the public art was only in the design/schematic stage and public input could still occur.

Commissioner Carter acknowledged that the County needed a policy regarding public art. She liked that the proposed piece resembled bull horns and had no problem with its form. She stated that whatever the public felt would be after the fact because there was no process for public input that allowed them to weigh in beforehand. Manager Davis concurred that a policy was needed.

Vice Chair Hill was also disappointed that the Board had not been made aware about the process, but added that he did like the piece—most notably its form and the dynamic LED lights.

Commissioner Carter wondered how much the public art would cost. Mr. Wilson stated that the budget was \$100,000.

Chair Jacobs asked that staff look into a process addressing how the Board made decisions regarding public art. She stated that the City had a robust and inclusive process and it could serve as the County's starting point. The County could even partner with the City for this purpose—an agreement could be created in which the City helped the County with this process. Commissioner Howerton inquired whether the collaboration of funds would happen if collaboration occurred. Chair Jacobs stated that she would let staff bring the recommendations. She stated that she was hearing that the County needed a process and that the process needed to include the Board of County Commissioners—there were certain decision points that the process would need to return to the Board for input. Chair Jacobs stated that other governments had passed public art policies in which a certain percentage of a renovation or new project's budget was designated for public art—she asked that staff research the best practices for this.

Chair Jacobs preferred that people be able to interact with the public art—rather than rope it off or make it otherwise inaccessible. She pointed out that public safety should be considered because people could possibly climb on it whether they were allowed to or not. She wanted it to have an interesting surface and felt that the dynamic LEDs were an exciting portion of the art. She hoped that staff would look at opportunities for public engagement and input, especially if the project was still in the design stage.

Commissioner Reckhow added that she hoped the size would be scaled down a few feet, specifically the height of the horns. She also wanted the surface to be more interesting than just stainless steel or aluminum.

Commissioner Carter wanted staff to look into a public art policy with procedures. Public engagement should be included in the policy. She did not believe that the County Commissioners should make the final decision for what this public art looked like because that would also be circumventing the public process.

Commissioner Howerton agreed that the County needed have a policy and process for public art.

Chair Jacobs asked Mr. Manns to provide the Board with a copy of the RFQ that was used for the public art. She concurred that the County needed a process and a policy. She wanted staff to use any opportunities available to encourage public engagement. She wondered when staff would be able to return with an update. Jay Gibson, P.E., General Manager, requested time for staff to digest the input they were given.

Mr. Gibson stated that it was necessary to achieve “substantial completion” of the building by late spring/early summer in order to receive the certificate of occupancy and comply with the anticipated occupancy date. The city had, through their approval process, included the public art as a critical path element (which made it required to be at the building to achieve “substantial completion”) and this presented constraints for public dialogue regarding the public art. Chair Jacobs stated that the Board looked forward to receiving an update and understood that this was on a tight timeline.

Commissioner Howerton inquired as to the difference between this public art piece and the one at the Durham County Courthouse. Drew Cummings, Chief of Staff, clarified that the

Courthouse art was temporarily located there as part of the Bull City Sculpture Show and the County decided to buy it and keep it there permanently—a RFP process for installation was unnecessary because it was already there. Kevin Montgomery, O’Brien/Atkins Associates, added that the UDO required monumental buildings to have public art--this was not a requirement at the time the Courthouse was built. The Courthouse’s piece was part of an art exhibit and the Administrative Building II’s piece is a regulatory issue.

Mr. Brady went over the current status of retail spaces. Mr. Manns stated that staff was engaging a restaurant consultant to assist with the solicitation for the retail spaces. The consultant was involved with 90% of the restaurants in the Durham area by way of helping the companies start up, performing market analysis for them, or designing the retail spaces.

Commissioner Reckhow wondered whether public entities were allowed to earn revenue beyond cost recovery from leasing retail spaces. She requested that legal staff look into this as she did not believe that the County should subsidize retail spaces. Commissioner Reckhow wanted the fees to break even or offset other costs. She personally felt that local businesses should benefit from a lower retail rent in Administrative Building II instead of national retail chains.

Commissioner Reckhow was concerned with how the upper floors would be locked after-hours and whether there would need to be a security guard to prevent public access. Mr. Brady stated that the elevators were behind doors which closed after-hours so as to prevent the public from accessing the higher County floors—citizens would only be able to use the bathrooms and main lobby area.

Commissioner Howerton and Mr. Gibson discussed parking and the study that the City was spear-heading in which the County was engaged with.

Vice Chair Hill supported the County leasing retail spaces to local vendors, preferably businesses that could not normally afford the downtown market rate rent or were owned by women or minorities.

Commissioner Carter concurred with preferring local small businesses and wanted to consider this through an equity lens.

Chair Jacobs stated that the Board needed to engage in a decision making process and create a policy addressing the Board’s priorities for the retail space and the cost to the public. She was not comfortable with using retail spaces as an enterprise fund or making money off of them.

Chair Jacobs and Mr. Gibson discussed Downtown Durham, Inc. and how they could help with finding tenants, determining what the market was in downtown, or knowing who was looking to lease a space.

Mr. Manns wanted to know whether it was acceptable to go forward with the site improvements. Commissioner Reckhow supported moving forward and felt that the wayfinding was essential. Chair Jacobs concurred with moving forward, but added that she wanted to do something to virtually join the two (2) Administrative Buildings—such as marking the street.

Commissioner Carter spoke on the outside area being improved despite the monuments.

Commissioner Howerton and Mr. Gibson discussed the intent of making the monuments more engaging. Staff hoped to include signage in the future to provide commentary addressing the monuments. Chair Jacobs asked if the County was allowed to add signage beside it giving it more context. Mr. Brady confirmed that they could, the Historic Preservation Commission approved commentary signage.

Directives:

- **Staff to look into creating a policy or process addressing how the Board made decisions regarding public art and it needed to include the Board of County Commissioners (there were certain decision points that the process would need to return to the Board for input). The City had a robust and inclusive process and it could serve as the County's starting point. The County could partner with the City for this purpose—an agreement could be created in which the City helped the County with this process. Staff to also consider whether the collaboration of funds would happen if collaboration occurred.**
- **Staff to research the best practices for public art policies in which a certain percentage of a renovation or new project's budget was designated for public art.**
- **Legal staff to look into whether the County was allowed to earn revenue beyond cost recovery from leasing the retail spaces in the Administrative Building II.**

17-0531 Quarterly Light Rail / Commuter Rail Update

Matthew Clark, Government Affairs Manager at GoTriangle, stated that the update would touch on station area planning, in particular the Gateway Station area, and two (2) engineering updates to the Light Rail Project. He added that any update made to the engineering, whether it saved money or cost money, was all contained within the budget for the capital costs of the project.

Patrick McDonough, Manager of Planning and Transit-Oriented Development at GoTriangle, went over the station area planning.

Given that around half of the Gateway Station area was in Durham County, Commissioner Reckhow felt that GoTriangle should provide the Board with the draft code and any modifications. She stated that the Board may want to formally weigh in in terms of advice or requests related to that station area. Durham County had major fiscal and economic interest in how it would be developed and ensuring it was used to its fullest potential. Mr. McDonough wondered if the best way to do this was to send the Board the presentations shown to the public at the Chapel Hill Town Council meeting. Commissioner Reckhow confirmed that he should do that.

Chair Jacobs, Commissioner Reckhow, and Mr. McDonough discussed the day long summit regarding the Durham-Orange Light Rail Project scheduled on February 6th and how staff would attempt to start it few hours later to enable Board members to attend—Commissioners were attending the Emerging Issues Forum in Raleigh that day.

Chair Jacobs stated that the Gateway Station was partly in Durham County, partly in Orange County, and within Chapel Hill limits. This granted only Chapel Hill jurisdiction over the planning of the area and any ordinance changes that needed to take place to maximize its potential. According to the national consultants, this was a key site that had the most potential for major corporate headquarters.

Mr. Clark went over proposed engineering updates which were: the estimated cost of the proposed Gateway station update was \$8 million; the estimated cost of the proposed DPAC station addition was \$2.5 million; the purpose of the Gateway station update was to provide more opportunity for economic development in Orange County; the purpose of the DPAC station addition was to provide people in Orange and Durham Counties with easy access to the DPAC, Durham Bulls Athletic Park, and other center city destinations; and both Engineering updates were contained within the budget which was set at around \$2.47 billion.

Mr. Clark asked the Board to send their written comments to Mr. Cummings who would forward them to him for review.

Commissioner Carter wondered what the Board's responsibility was when citizens emailed questions. Mr. Clark suggested directing people to the GoTriangle light rail website (ourtransitfuture.com) for information. He added that they could also contact Robin Baker, GoTriangle's Public Involvement Associate, if they had specific questions.

Chair Jacobs asked Mr. Clark to send to the Board the document explaining why the Farrington Road site was chosen as light-rail center as well as the presentation and background documents for the event she attended.

Directives:

- **Mr. McDonough to send the Board the presentations shown to the public at the Chapel Hill Town Council meeting.**
- **Mr. Clark to send to the Board the document explaining why the Farrington Road site was chosen as light-rail center as well as the presentation and background documents for the event she attended.**

17-0532 Update from Non-Profit(s) Hoping to Provide Services to Community at Lakewood Plaza

Mr. Cummings stated that County staff was approached by a number of different community partners regarding their various interests in the Lakewood Shopping Center. A number of these conversations were with non-profit service providers hoping to relocate into the Lakewood Shopping Center and create a broader and better integrated service hub. Based on the ownership of the plaza and other non-profit partners already there, there was a bit of a non-profit hub materializing on the site. They had various needs to help make this project work for them and requested time with Commissioners to discuss these needs. Mr. Cummings stated that staff believed the annual RFP process was the best way to compare the County's non-profit investment opportunities, but recognized that not all important questions relating to operations of the non-profit partners occurred in sync with the County's funding process.

Lisa Perkins, Executive Director at Catholic Charities of the Diocese of Raleigh, discussed the services offered by Catholic Charities to thousands of families, namely the largest food pantry in eastern North Carolina, Catholic Parish Outreach (CPO) in Raleigh. In Durham County, there were only three (3) food pantries operating daily, multiple other pantries only operated 8 days or less per month. There was a need of 4.7 million pounds of food in Durham, but only 3.7 million pounds were distributed annually—this created a shortage of 1 million pounds of food. Ms. Perkins stated that by 2021, Catholic Charities was aiming to distribute 1.5 million pounds of food each year—this was additional food would otherwise go to waste.

The proposed solution was to implement the CPO model in Durham. A food provision flow chart illustrated that the Food Bank of Central Eastern North Carolina (CENC), Inter-Faith Food Shuttle, local parishes and community agencies would funnel food to the Durham Food Pantry (DFP) which in turn would distribute the food to families in need. To do this, Catholic Charities was requesting \$250,000 over five (5) years to support operations of the DFP at the Lakewood Shopping Center. The plaza was the ideal location due to the synergy currently happening there—it was becoming a hub for health and wellness (El Futuro, El Centro, and the Scrap Exchange were located in this site). Catholic Charities felt that the inclusion of the Durham Food Pantry would make this location a one stop shop for families seeking assistance, especially since the non-profit partners already had existing relationships. Catholic Charities' Durham Regional Office would also be moved to this location to provide comprehensive services to address hunger.

Commissioner Reckhow inquired whether the services would be delivered in a nonsectarian manner. Ms. Perkins confirmed that they would. Commissioner Reckhow asked whether religious information was handed out to families. Ms. Perkins stated that no religious information was handed out. Commissioner Howerton wondered whether there was any reason that anyone would be turned away. Ms. Perkins stated that no one was turned away.

Commissioner Carter stated that she was in support and willing to formally commit for this project. Commissioner Howerton understood the item to be for informational purposes, no action was required. Damon Circosta, Executive Director and Vice President at A.J. Fletcher Foundation, clarified that they were not looking for funding in perpetuity, they were hoping to receive the commitment of \$250,000 over five (5) years in order to get established in Durham.

Commissioner Reckhow brought up the County's annual non-profit funding process. She suggested referring the request to staff for review and to determine whether it was feasible. Staff could provide the Board with a report and recommendations.

Commissioner Carter stated that this was a unique request as it was not just connected to funding for a non-profit, but rather to economic development as it would contribute to the non-profit hub at Lakewood Shopping Center.

Commissioner Howerton requested clarification from Manager Davis as she was led to believe that the presentation was informational, not to request that the Board approve funding. Manager Davis stated that staff held multiple meetings regarding this project. Staff was reasonably comfortable with what was being asked, the problem was that it was being asked off cycle. He

wanted to respect the non-profit process, but also allow the Board the opportunity to make an informal commitment for the upcoming budget process if they desired.

Chair Jacobs was in support of the services provided and acknowledged that there was a hunger problem in Durham. She felt that the non-profit process needed to be respected. She wanted to know how Catholic Charities would be affected by not receiving a commitment. Mr. Circosta stated that there was a lot of urgency to the request, but it was understood that the non-profit process would be respected. Dr. David “Luke” Smith, Psychiatrist and Executive Director at El Futuro, added that Catholic Charities needed to reach a certain level in commitments before they were able to make the financial commitment to the lease. He added that even having an informal commitment would help with private fundraising.

Commissioner Carter advocated for providing a formal commitment because not only was it a non-profit, but it was an attempt to create a non-profit hub. She calculated that at \$50,000 per year, it would cost the County less than a dollar per person to feed the 18% of Durham County residents that struggled with food insecurity.

Vice Chair Hill felt that the Board should adhere to the non-profit funding policy. He wondered if the Board had ever made a five (5) year commitment to a non-profit.

Mr. Circosta specified that this was urgent because they were attempting to put together a deal to co-locate organizations at Lakewood Shopping Center and the development process necessitated having their ducks in a row up-front. He reiterated that this was not asking for money in perpetuity, but rather asking the Board to make a commitment out of cycle.

Commissioner Reckhow did not think that it was appropriate for the Board to commit funds before allowing staff time to perform due diligence and provide recommendations.

Chair Jacobs felt that the partners who had the vision for the Lakewood Shopping Center should all be present to describe the non-profit hub vision. She concurred with Commissioner Carter’s views and felt it lends itself to how the County funds non-profits and how it looks at sustainable economic development. She suggested letting staff evaluate this and providing recommendations. It could be accelerated to heed the time restraints.

Manager Davis recommended that the non-profit process be respected.

Commissioner Reckhow wanted to have staff look at it and if, after the review, staff felt that the needs were too great due to time, they could return for Board consideration before the beginning of the non-profit process.

Chair Jacobs requested that staff perform financial analysis (due to the length of the request) to determine whether the County could implement the funding before the new budget cycle. She was unsure whether the County had the financial capacity to do this.

Commissioner Carter did not agree with the Board's decision. She wanted to discuss it further and possibly receive comments from the public.

Dr. Smith stated that in 2017, Durham County was federally declared a health professional shortage area for mental health--a key finding was around the Latino Community not having the services they needed. When organizations served diverse populations, social determinants needed to be considered—this required staff to examine not only what occurred inside of clinical offices, but also in the community and to talk about food insecurity as a real social determinant of health. There was social value in co-located non-profit partners providing complementary services.

Chair Jacobs stated that this matter would be brought back in February with a report from staff that included a recommendation. Commissioner Carter wanted this process accelerated and reiterated why she felt it was a unique request. Commissioner Reckhow recalled situations in which decisions were made on the fly, without staff research, and the results were bad.

Chair Jacobs asked for a presentation on the Lakewood Shopping Center partners and their shared vision for the plaza. Manager Davis asked if the Board wanted the partners present at a Worksession. Commissioner Reckhow suggested a memo rather than a presentation regarding the partners. She clarified that the report and recommendations were expected in February.

Directives:

- **Staff to review and perform financial analysis for the Catholic Charities request of \$250,000 over five (5) years in order to determine whether the County could implement the funding before the new budget cycle.**
- **Staff to bring this matter back in February with a report that included a recommendation.**
- **Staff to provide a memo on the Lakewood Shopping Center non-profit partners and their shared vision for the plaza.**

Consent Agenda (Discussion)

The Board was requested to review Consent Agenda items for the November Regular Session meetings. Staff was present to address questions the Board had regarding the items. The following consent agenda items were reviewed:

17-0500 Execution of the Construction Manager @ Risk “Guaranteed Maximum Price #2” Contract for the Main Library Renovation (Project No.: DC094)

No comments were made regarding this item.

17-0503 Execution of the Contract Amendment with Vines Architecture, Inc., for the Additional Services for the Main Library Renovation Project. (Project No.: DC094)

Chair Jacobs and Mr. Gibson discussed the timing of this amendment and how it was delayed because staff wanted to provide more clarity by bundling items—staff opted to present the whole picture at once rather than bits and pieces over time.

Manager Davis thanked the staff for having the project remain on schedule and on budget while having a lot on their plate.

17-0556 Approval of \$25,000 for Reach Out and Read Expansion

Dr. Elizabeth S. Erickson, Pediatrician at Duke Children's Primary Care Roxboro Street, explained the Reach Out and Read program. She stated that used books as diagnostic tools and described how the program helped children and the community. The funding would enable them to implement the program universally at all three (3) of Duke Children's Primary Care Clinics as well as the Lincoln Community Health Center.

Chair Jacobs inquired as to how the caregivers were trained. Dr. Erickson stated that an online training curriculum was used. Chair Jacobs asked if the books were random or age appropriate. Dr. Erickson clarified that they were age appropriate and shelved in this manner to help with quick picking. The books featured diverse characters and stories, some were also in Spanish. She added that books should provide a "mirror" as well as a "window."

Chair Jacobs wondered whether a similar program could be done at public health clinics. Gayle Harris, General Manager, stated that it could possibly take place at school-based nurse clinics. Chair Jacobs hoped staff would look into participating at the clinics and at the Department of Social Services.

Regarding the \$300,000 that was budgeted to implement various initiatives that support the five (5) recommendations from the State of Durham County's Young Children Report, Commissioner Carter requested a policy or process to guide which organizations or initiatives would be chosen.

Directive:

- **Staff to create a policy or process to guide which organizations or initiatives would be chosen to receive funds from the \$300,000 that was budgeted to implement various initiatives that support the five (5) recommendations from the State of Durham County's Young Children Report.**

17-0520 Budget Ordinance Amendment 18BCC000016 Appropriating \$1,524,165 of Capital Financing Fund Balance and Transferring the Funds to the "Pay-As-You-Go" Capital Project Fund in Support of Approval of Capital Project Amendment No. 18CPA000007 to Create a New Capital Project (420DC135-Duke Fiber Project) in the amount of \$1,524,165. Authorize County Manager to Execute a "Not to Exceed" Collaborative Agreement with Duke University in the Amount of \$1,116,665 and to Execute a Contract in the Amount of \$125,000 with Kimberly-Horn for Design, Permitting and Project Management

No comments were made regarding this item.

17-0523 Use of Annual Capital Outlay Funding for a Multiyear Purchase of 8 Activity Buses for Durham Public Schools

No comments were made regarding this item.

17-0526 Receive an Application to Provide Non-Emergent Ambulance Service in Durham County and Schedule a Public Hearing

No comments were made regarding this item.

17-0529 Light Rail DPAC Station Addition Approval

No comments were made regarding this item.

17-0530 Budget Ordinance Amendment No. 18BCC000017 to Recognize Funds in the Amount of \$18,723 from the Alamance County Health Department for Implementation of the Minority Diabetes Prevention Program

No comments were made regarding this item.

17-0538 Approve the Contract to Acquire Services Using IS&T Operational Budget Set Aside for Miscellaneous Contracting Services from SAGE Group Consulting in the amount of \$52,850 for the Contract Management Project with a Project Budget Amount not to Exceed 60,000

No comments were made regarding this item.

17-0547 Amendment to Solid Waste Convenience Site Collection Services Contract

Commissioner Carter requested clarification on the item. Motiryo Keambiroiro, Director of General Services, stated that General Services had funding in the Solid Waste Division with regard to contracted services. The vender that was building the truck for the County, a truck that would allow the County to do Solid Waste transfers, delayed the delivery of the truck until February. It was originally anticipated that the truck would arrive by November. In order to have a continuity of service for the contract, staff was requesting that they use available funding in contracted services for Solid Waste to be able to continue the service until they had the truck available to them.

Commissioner Reckhow did not understand the relation between this contract request and the pilot program General Services was undergoing in which County employees would help haul containers that the contractors were currently taking care of. Brian Haynesworth, Solid Waste Program Manager, explained that in order to fund the yearlong pilot, they had to reduce the contract amount to afford the pilot program. The delays with the truck put the Solid Waste Division in a position where they were jeopardizing keeping service continuity. The amended contract was so that funding could be added to the contract in order to continue services until the truck arrived.

17-0548 Courthouse Camera Replacement

No comments were made regarding this item.

17-0554 Request Approval of the Purchase of a 3 Year License, Setup and Training for Concur Travel and Expense Solution and Approval of Budget Ordinance Amendment No. 18BCC000018 Appropriating General Fund Fund Balance in the Amount of \$85,132 for Year 1

No comments were made regarding this item.

17-0528 Commissioner Comments

The Board was requested to allow each Commissioner three minutes to report on conferences or make comments regarding issues that may be of interest or concern to the Board.

Commissioner Howerton spoke on the NCACC's response to the recent legislating mandating smaller class sizes. She brought up Camp HOPE which was held by Guilford County Family Justice Center in August 2017. Camp HOPE was an evidence-based, camping and mentoring initiative to focus on children exposed to domestic violence—this model was launched throughout the country in communities operating Family Justice Centers. She stated that the camp focused on older kids with trauma and wanted to know whether a similar program existed in Durham County. Chair Jacobs suggested reaching out to the Family Justice Center. Commissioner Howerton stated that it might require the County to locate funds for its implementation, but wanted staff to look into it.

Commissioner Reckhow felt that the Board should present a resolution to the General Assembly to address the class size reduction. Commissioner Carter volunteered to create the draft resolution. Commissioner Reckhow suggested that she, Commissioner Carter and Ms. Craig-Ray work together on it. Commissioner Reckhow requested that the Board provide her with their availability on January 20th or 27th to have a 2.5 hour community session from 9:30 a.m. until noon at the Human Services Complex. Regarding the RTP Foundation contract amendment, she wanted to ask staff to look at amended contract and create a memo noting all the changes that were made—she was concerned with not just the timing of the payments, but also what the payments covered. She stated that RTF should be made aware that the Board needed to see the final amended plans when they were done. RTF needed to circle back to the Board after making changes to plans. Manager Davis felt that Mr. Levitan should return for the February Worksession to discuss the Park Center project and the contract amendment. The Board felt that a February presentation was reasonable.

Chair Jacobs announced that the Family Justice Center was applying for a grant and she wanted the Board to visit the Center. She had asked the director and the Clerk to help set up visits. The MOU the Family Justice Center needed for the grant was very time sensitive. Commissioner Howerton requested that Chair Jacobs forward the minutes of the Director's meetings. There was some discussion around whether the Board needed to approve the MOU or whether a letter of support from the County Manager was sufficient. Ms. Keambiroiro stated that when the Family Justice Center was originally set up in the Courthouse, the Board did approved the MOU via official action to allow them to receive the first grant. Chair Jacobs added that the new MOU was similar and it was for a second grant.

Chair Jacobs brought up the Revised Draft Proposal for Durham Public Monuments Commission. Commissioner Howerton wanted the NCCU students that presented to the Board during Citizen Comments to be able to provide feedback on the draft. Chair Jacobs stated she would send them the draft and request feedback. Commissioner Reckhow stated that "commission" seemed like a misnomer for the group, calling it a "committee" felt more appropriate. She suggested adding that the group was advisory to County Commissioners and City Council.

Chair Jacobs requested an excused absence for the Regular Session on December 11, 2017.

Commissioner Reckhow moved, seconded by Commissioner Carter, to suspend the rules.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Commissioner Carter, to grant Chair Jacobs an excused absence for the Regular Session on December 11, 2017.

The motion carried unanimously.

Vice Chair Hill requested an excused absence for the Regular Session on January 22, 2018.

Chair Jacobs moved, seconded by Commissioner Reckhow, to grant Vice Chair Hill an excused absence for the Regular Session on January 22, 2018.

The motion carried unanimously.

Commissioner Reckhow requested that it be noted in the minutes when Commissioners were not present at meetings due to excused absences.

Vice Chair Hill stated that a law went into effect December 1st from the General Assembly. The law made it much more difficult for judges to waive fees from court cases (e.g. traffic violations or seatbelt violations) for people who could not pay the fees. He stated that poverty was not a crime, people should not be penalized for being unable to pay the fine—the unpaid fines could lead to people getting arrested, losing their Driver's Licenses, losing their jobs. He asked that the Board look into reversing of the law. Chair Jacobs requested that Ms. Craig-Ray get information regarding this issue.

Attorney Siler inquired whether there was any interest in having a discussion at the Worksession on January 2, 2018 on how child support worked and affected people in criminal justice system. The Board was interested.

Vice Chair Hill announced that December 13th was Child Support Amnesty Day.

Commissioner Carter wondered about the bail bonds schedule and whether there was any recourse for this problem. She stated that she would soon be attending a meeting regarding local food systems.

Directives:

- **Staff to look into whether a program existed in Durham County similar to Camp HOPE. Camp HOPE was an evidence-based, camping and mentoring initiative to focus on children exposed to domestic violence—this model was launched throughout the country in communities operating Family Justice Centers. If it did not, staff to research how to acquire funds for its implementation.**
- **Staff to look at amended RTF contract and create a memo noting all the changes that were made. RTF should be made aware that the Board needed to see the final**

amended plans when they were done, RTF needed to circle back to the Board after making changes to plans.

- **Manager Davis to arrange for Mr. Levitan to return for the February Worksession to discuss the Park Center project and the contract amendment.**
- **Staff to note in the minutes when Commissioners were not present at meetings if due to excused absences.**
- **Deborah Craig-Ray to look into a law that went into effect December 1st from the General Assembly. The law made it much more difficult for judges to waive fees from court cases (e.g. traffic violations or seatbelt violations) for people who could not pay the fees.**
- **Staff to look into the bail bonds schedule and whether there was any recourse for this problem.**

17-0557 Closed Session

The Board is requested to adjourn to Closed Session to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations per G.S.143-318.11(a)(4).

Commissioner Carter leaving at 2:50

Commissioner Reckhow moved, seconded by Commissioner Howerton, to adjourn to Closed Session.

The motion carried unanimously.

Reconvene from Closed Session


Vice Chair Hill gave direction to staff.

Adjournment

Commissioner Howerton moved, seconded by Commissioner Reckhow, that the meeting be adjourned.

The motion carried unanimously.

Respectfully submitted,



Tania De Los Santos
Administrative Assistant