

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

Monday, December 2, 2019

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

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

County Attorney Lowell Siler presided over the election of the Board's Chair.

Commissioner Reckhow moved, seconded by Commissioner Hill, to nominate
Commissioner Wendy Jacobs for Chair.

The motion carried unanimously.

Chair Jacobs entertained a motion for the nomination of a Vice-Chair.

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

The motion carried unanimously.

Chair Jacobs thanked the Board for their nomination and acknowledged Commissioner Reckhow's final year as a Commissioner after 31 years of service to Durham County. She reflected on the Board's and County staff's accomplishments and transformational work from the past three (3) years. Under the Board's direction, County staff worked to implement policies and address the following: Universal Pre-K, affordable housing, gun violence, Master Aging Plan, School-to-Work pipeline, and the Main Library renovation.

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 were to be recorded in the Register of Deeds Office and then sent to the Clerk of Superior Court for safekeeping.

Commissioner Reckhow moved, seconded by Commissioner Carter, 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.

Lee Mortimer spoke to the Board regarding an issue with a four-year-old EMS bill that was sent to a debt collection agency. He described the ensuing conversations he had with EMS staff regarding the possibility of waiving the bill—he was certain he had paid the bill and questioned how the County EMS Department could be sure they had not lost his payment after having lost the bill for so long.

General Manager Jodi Miller clarified how the bill ended up with a collection agency. Attorney Siler and Ms. Miller explained that the Board did not have the statutory authority to waive a citizen's debts owed to the County.

Directives:

- **Attorney Siler to provide the Board with a response to the following questions:**
 - **How is it determined when and how the Board has authority to hear appeals?**
 - **When is the Board considered a quasi-judicial body?**
 - **When the Board is considered a quasi-judicial body, is it a local decision or authorized by General Statute?**
 - **Is the Board authorized to hear appeals or is it authorized not to?**
- **Staff to return to the Board with recommendations to ensure a similar situation does not happen again and what to do if it does happen again.**

Rafiq Zaidi expressed his concerns regarding the Bull City United (BCU) program and its lack of effectiveness in reducing the gun violence and deaths in Durham. He felt the program was a façade due to employing people who lacked credibility and community influence, and qualities which were vital to the program's potency.

Rob Belcher, Chance to Change Owner and a previous employee (Credible Messenger) of the BCU program, alleged that BCU employees were not genuine Credible Messengers in the way the program required to be effective. He advocated for the revamping of BCU and described the below problems he noticed during his employment.

- Community canvassing done alone rather than in teams.
- The community perceived BCU as an organization that only provided free cookouts, t-shirts, bus passes and other complimentary items.
- There were false promises made regarding jobs that community members would be unlikely to receive due to their backgrounds.
- The possible misappropriating of funds by Credible Messengers. Funds could be requested for high-risk families during Christmas, but there was no way for the County to determine whether the individuals existed because the identities of high-risk individuals were considered confidential information.
- Credible Messengers lacked community visibility.

- Shooting responses were not being properly completed. A shooting response was intended as a way to gather information and ultimately interrupt violence, but Mr. Belcher stated BCU was giving balloons to families and leaving.

Commissioner Howerton challenged against the continued division and advocated for working together. She stated she would reach out to Mr. Belcher.

Consent Agenda

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

19-0561 Execution of the Amendment to the Architectural Design Service Contract with O'Brien/Atkins Associates, P.A. for the Detention Center Security Modifications Project No. DC008

Jodi Miller, General Manager and Peri Manns, Deputy Director of Engineering and Environmental Services, updated the Board on the status of the safety projects within the Detention Center—they would be completed by February 2020. The projects included HVAC grill replacement, bed replacement, and the officer station improvements.

19-0570 Approve the acceptance of a donated conservation easement on Herndon Farm II with the County paying transaction costs. Approve Capital Project Amendment No. 20CPA000013 decreasing the Open Space & Farmland Preservation Capital Project up to \$14,000 and Budget Amendment No. 20BCC000033 transferring an equal amount to the General Fund to support the transaction costs related to the donation of an easement on the Herndon Farm

The Board acknowledged the families who participated in this program and noted Herndon Farm II was the last farm in South Durham.

19-0571 Approve the purchase of a conservation easement on 7723 Johnson Mill Road from Karen O'Neal to be held jointly with Triangle Land Conservancy. Approve Capital Project Amendment No. 20CPA000014 decreasing the Open Space & Farmland Preservation Capital Project \$78,000 and Budget Amendment No. 20BCC000034 transferring \$78,000 to the General Fund to support Durham County's portion of the easement costs

The Board recognized Durham County's significant investments in the watershed and drinking water quality of the City of Durham.

19-0575 Approve Budget Ordinance Amendment No. 20BCC0035 to recognize \$100,663 in state funding for the Juvenile Crime Prevention Council, and approve the council's funding allocation recommendations

The Board acknowledged the implementation of Raise the Age on December 1, 2019 and discussed the amount of work and collaboration it required to push support of the Bill to conservative North Carolina County Commissioners.

19-0582 Capital Project Amendment No. 20CPA000015 - Appropriating \$10,029,049 to the Administration Building I Renovation Project No. 4730DC137 with Funding Source of Limited Obligation Bonds (LOBs) Funding and approve the Execution of the Construction

Contract with Resolute Building Company for the Durham County Administration 1 Building Renovations Project No.: 4730DC137.

Susan Tezai, Chief Financial Officer, explained how this item was connected to item 19-0606 and the process for bonds.

19-0593 Budget Amendment No. 20BCC000036 Transferring funds from the Sewer Utility Fund (6006600000) to the Collections' System Rehabilitation Fund (600669000) and Capital Project Amendment No. 20CPA000016 to Appropriate the funding to the Utilities Administrative Building Project and the Execution of an Amendment to the Architectural Design Service Contract with DTW Architects & Planners, LTD. for the Durham County Utilities New Administrative Building

General Manager Jay Gibson could not provide the Board with the total estimated cost of this project as staff was still working to refine it. He addressed concerns regarding the seemingly large costs in comparison to the small utilities building (roughly 40,000 square feet).

Directive: Jay Gibson to provide the Board with the estimated costs as shown on the CIP.

19-0602 Budget Ordinance Amendment No. 20BCC000037 to Recognize \$50,000 from North Carolina Department of Health & Human Services, Division of Public Health for Community Linkages to Care for Overdose Prevention and Response

The Board noted the grant funds would help pay for the Medically Assisted Treatment (MAT) pilot in the Durham County Detention Center. Durham's Detention Center was the only jail in North Carolina providing MAT and one of only 12 in the United States.

There were no comments made for the items below:

19-0573 Extend Contract with Robert Half International

19-0577 Temporary Construction Easement to 802 Washington Street LLC

19-0560 Enterprise Agreement with Microsoft in the amount \$1,079,672

20-003 RFP For Life Safety Systems Testing and Inspections at Durham County Buildings

19-0581 Lease Amendment - Durham Center for Senior Life at 406 Rigsbee Street

19-0584 Execution of an Amendment to the Architectural Design Service Contract with HDR Engineering Inc. of the Upgrades to the Northern Durham County Solid Waste Convenience Sites

19-0596 Acceptance of \$15,000 Grant from Town and Country Garden Club for Beautification of NC 147 Interchange

19-0603 Budget Ordinance Amendment No. 20BCC000038 to Recognize \$30,000 from SHIFT-NC to implement the Maternal Child Health Initiative and All Together Now

19-0606 Approval of Resolution for Limited Obligation Bonds and Certain Related Documents Pursuant to G.S. 160A-20

Discussion Items

19-0605 Bull City United Program Update

Tara Blackley, Deputy Public Health Director, presented the Board with a report on the Bull City United (BCU) program and data (from 2016 to current) regarding community indicators, participant data, grant outcomes, and participant outcomes.

Ms. Blackley discussed the status of BCU's partnership with Duke Regional Hospital and Duke University Hospital. The Cure Violence model used the comprehensive healthcare system as a point of intervention to interrupt the spread of violence via hospital partnerships.

Ms. Blackley reviewed the conclusions that could be drawn from the data but noted the positive trends (e.g. lower gun violence rates) could not be fully attributed to BCU due to the nature of statistics (correlation does not imply causation) and uncontrollable outside variables.

BCU staff was encouraged to inform the Board of anything else that could be done to support their work in terms of resource allocation.

The Board discussed the effects of crime displacement and whether it could occur due to BCU, the need for the community to work with BCU, as well as the difficulty in addressing gun violence without addressing guns or gun thefts.

Ms. Blackley confirmed that there was no interview given to people who were arrested to determine why they did what they did or what would dissuade them from continuing.

The Board discussed the possibility of contracting with a mental health service provider to offer services to community members, adults and children, after shootings.

Directives:

- **Tara Blackley to provide the Board with the following:**
 - **Information regarding the acreage size of BCU's target areas.**
 - **Information showing the effects of moving Violence Interrupters from their target areas.**
 - **Data regarding nonviolent gun offenses during the life of the BCU grant.**
 - **The arrest history of participants.**
- **Donna Rosser, Public Health Education Specialist, and the Durham County Gun Safety Team were requested to report to the Board in January.**
- **Tara Blackley to track long term outcomes regarding employment status, types of jobs, wages, education, and any other services that participants were connected to (e.g. mental health and substance use).**

19-0587 300 and 500 Block East Main Street Redevelopment - Conceptual Design Review and Discussion of Next Steps

The Board received an update from the development team on the conceptual design in preparation for the Memorandum of Understanding and other upcoming agreements. "Meet the Developer" Sessions were held on November 2 and 12, 2019 and the public provided the

development and project team with feedback/input on the conceptual design as outlined in the response for the Solicitation for Development.

Ronn Stewart, Laurel Street Development Senior Vice President, discussed the next steps pursuant to the 300 Block East Main Street Redevelopment. He reviewed the layout plan, amenities and programming that would be available for the residents, and the Pre-K location on the 300 E Main Block. Mr. Stewart noted that some members of the community expressed a preference for the daycare/Pre-K being closer to the library.

The Board discussed their size and quality expectations regarding the daycare/Pre-K provider and recommended staff speak to the Durham Partnership for Children, Child Care Services Association (CCSA), and the Department of Social Services regarding recommendations for the facility and needs of the community. The developers and staff were encouraged to keep an open mind as to whether the space would be a daycare or Pre-K center.

The Board encouraged developers to work actively with local business investors, Urban Ministries of Durham (UMD), churches, and other partners for the commercial area along Queen Street in the 300 and 500 Blocks. It was emphasized that meeting the needs of the community included meeting the needs for the individuals staying at UMD.

Mr. Manns confirmed a Traffic Impact Analysis would be included in the project to address concerns regarding increased foot traffic.

Darryl Hemminger, Zom Living Senior Vice President, discussed the 500 Block East Main Street Redevelopment.

The Board raised concerns regarding the walkway and security. Developers were encouraged to maximize sightlines so that people felt safe walking.

Dionne Nelson, Laurel Street Development President and CEO, discussed the ENERGY STAR certification and standards. Mr. Hemminger discussed the opportunity for solar panels in the future and how the building could accommodate the technology. The Board was in favor of meeting the certification standards without spending the money necessary to receive the physical certification.

The Board advocated for consideration of the design and how it related to affordable housing and the creation of a community. Developers were encouraged to use the public's preferences to determine how the space could be activated and made interactive.

Mr. Manns reviewed the project timeline and noted that the mechanism for permanent affordability (to be included in the MOU) was still being addressed by the legal teams.

The Board thanked staff for their receptiveness to requests and including the community in the frontend.

Directive: Staff to administer surveys to County employees to determine whether a daycare or Pre-K was the most preferred on the 300 E Main Street Block.

19-0597 Update from Alliance Health

North Carolina was experiencing the largest change in healthcare in the State's history. Beginning in 2010, Alliance underwent cuts of approximately \$80 million dollars in State funding while being legislatively required to maintain its safety net crisis services and access to other services at the level present before the cuts began. Alliance worked to absorb the impact of these reductions without compromising services and programs which provided a necessary benefit to community partners.

The purpose of this update was for Alliance to present information on changes to its non-Medicaid benefit package, program updates on its Housing and Opioid programs as well as an update on Medicaid Transformation in NC.

Rob Robinson, President and CEO of Alliance Health, discussed how the rising costs of crisis services and recurring single stream cuts required changing how Alliance managed resources. These methods included adjustments to Alliance's administration, finding other business opportunities, adjustments to reinvestments, non-Medicaid service management, and changes to specific community programs.

The Board discussed how to best inform the public and the legislature about the local impact of budget cuts. Mr. Robinson was encouraged to provide compelling and informative talking points to aid Commissioners in speaking about the impact of budget cuts.

Sean Schreiber, Alliance Health Executive Vice-President of Network and Community Health, explained that significant portions of services would have to be funded through Alliance's savings even if the State budget cuts were reduced. He discussed the Benefit Plan changes.

Alliance was encouraged to meet with Duke regarding Duke's ability to contribute additional local funds considering that their work helped Duke's bottom line.

Ann Oshel, Alliance Health Senior Vice-President of Community Health and Well-Being, discussed the redesigning of the residential continuum.

Mr. Robinson spoke about Medicaid expansion and Ms. Oshel discussed the outreach methods for the Community Forum on Upcoming Changes.

Directives:

- **Alliance to provide the Board with a document describing Alliance's Benefit Plan changes which could be given to the public and included data and information regarding how many people would lose benefits and what the outcome would be statewide.**
- **Alliance to provide the Board with information regarding the number of people who were not receiving services.**
- **Deborah Craig-Ray to get the word out about Coming Home, a Permanent Supportive Housing (PSH) program for Justice Involved persons who were homeless or at-risk for homelessness. It was a partnership between the Re-entry Council, Durham County Detention Center, and Resources for Human Development (RHD).**

The Board discussed whether it was necessary for Commissioners to request a vote to excuse an absence for Work Sessions. The County Attorney confirmed it was not because Commissioners did not typically vote during Work Sessions.

Commissioner Carter suggested a policy for attendance requirements at Work Sessions in order to be considerate of staff time. Commissioner Reckhow noted the request could be satisfied via an amendment to the Board's bylaws.

Directive: County Attorney Lowell Siler to research the attendance requirements for Work Sessions of other County Commissioner Boards.

19-0592 Public Art at the Main Library - Update and Discussion of Next Steps

In accordance with the recently adopted Public Art Policy, staff provided the Board with a conceptual design status update on the Public Art at the Main Library and the next steps.

The RFQ for Public Art at the Main Library was advertised through CAFÉ (Call For Entries) on January 29, 2019, and resulted in over two-hundred applications. Volkan Alkanoglu was chosen by the Artist Selection Panel (ASP) to design the exterior public artwork. He was placed under contract September 27, 2019 and began public engagement and development of the conceptual designs. One conceptual design was selected by the ASP and presented to the Durham Public Art Committee (PAC) for review on November 20, 2019. The final design would be presented to the PAC for recommendation to the Durham Cultural Advisory Board. Staff anticipated requesting Board approval of the installation contract in January 2020.

Volkan Alkanoglu, Volkan Alkanoglu Design LLC, discussed the methods he used to understand the Durham community and the context under which the piece would exist. The community survey results showed a preference for art which was figural, humorous, complex, opaque, colorful, dimensional, engaging, kinetic art containing movement perceivable by the viewer (as opposed to depending on motion for its effect), functional, dynamic, and paid honor to Durham's diversity and innovation. Mr. Alkanoglu presented a conceptual design of the art piece which aligned with the community's responses and would be 3D printed by a robot from Branch Technology—the Chattanooga, Tennessee company behind the Cellular Fabrication (C-Fab) construction 3D printing technique.

Brenda Hayes-Bright, Project Manager, discussed the timeline for the creation and installation of the art piece.

Mr. Alkanoglu discussed how the piece was dynamic in that it could be used as inspiration for the 3D printers in the Main Library or the subject of an educational component regarding how and why the piece was designed.

19-0595 Durham Pre-K Update

Linda Chappel, Senior VP at Child Care Services Association, provided the Board with an update on the continued expansion of Durham Pre-K, Durham's universal Pre-K program.

Durham County was in the middle of its third year of expansion of publicly-funded, high-quality Pre-K. New programs were at a mix of public and private sites across the County. County funds enabled a uniform, higher reimbursement rate for participating programs and the additional funds enabled higher teacher wages, greater coordination, expanded professional development for teachers and directors, and other quality-improvement initiatives.

Ms. Chappel stated that the Durham Pre-K 2019-2020 spending forecast budgeted \$2,933,107, but the projected spending was \$3,016,185 based upon a 5% student vacancy rate—this was \$83,078 over budget. She stated there were currently 150 seats allocated that were being fully paid for by Durham County’s Pre-K money.

Ms. Chappel noted the following typo in the presentation: “a 5% budget increase creates seats for ~~90~~ 120 9-12 children.”

The Board discussed presenting this information to the Governance Committee (GC) so the GC could provide the Board with recommendations and input regarding demographics and financial position. Ms. Chappel and Mr. Cummings stated the GC prioritized serving more children (as opposed to less) and adding new seats.

Mr. Cummings proposed presenting the Board with a contract amendment of up to \$100,000 to cover the over budget amount. The Board was in support of this. Mr. Cummings agreed to present the contract amendment in a consent agenda during the month of December 2019.

Directive: Linda Chappel to provide the Board with information regarding the funds CCSA was providing to Whitted School for 61 children. The Governance Committee set a monthly rate of \$1,250 per child for Durham Pre-K and CCSA was paying a small piece of that total.

19-0598 Update on Formation of a Durham County Early Childhood Action Plan

County staff worked with the East Durham Children’s Initiative (EDCI), CCSA, Durham’s Partnership for Children, and other partners to determine the most appropriate and effective format for the early childhood action planning process. Staff shared the most recent thinking with the Board and hoped to receive authorization to move forward with additional steps to set this process in motion.

Staff believed EDCI should play a leading role in this effort. EDCI spent years creating a high-functioning pipeline of community partners serving young children in East Durham. They expressed interest in and energy for the idea of leading community-wide efforts to deepen and improve Durham’s early childhood service continuum. EDCI was in the process of becoming the Durham Children’s Initiative (DCI). EDCI’s experience leading collective action and in private fundraising would be a critical asset in the formation of a Durham County Early Childhood Action Plan (ECAP).

The October Work Session discussion centered around a proposal for EDCI to receive significant funding over 2.5 years to complete and begin implementation of the ECAP. After further review, staff believed a one-year process was preferable and feasible. Staff also believed that some funding for other partners would be appropriate given the amount of work they were likely to complete.

The Board was concerned that EDCI had not yet provided enough information when compared to the very detailed information CCSA provided when responding to the County's Durham Pre-K bid. The Board noted there was a lack of information regarding the scope of work as well. County Manager Davis and Mr. Cummings confirmed that a more detailed version would be provided to the Board by January 2020.

The Board believed a plan or program name for all the work being performed for early childhood education was necessary. Mr. Cummings offered "Grown in Durham" and agreed to consider this topic further.

Commissioner Reckhow expressed the importance of laying out what the County did in the early childhood space (for years zero to eight) and spent funds on. It would help the community as well as provide businesses the opportunity to contribute to specific areas (once they were outlined).

19-0594 BOCC Directives Follow-Up

Directives from previous meetings and staff follow-up were reviewed by the Board.

The Board discussed the possibility of having the directives updated in real time as it would allow the Board to ensure they were all captured before the end of each meeting.

Directives:

- **General Manager Claudia Hager to follow up with a previous directive the Board issued to request a compensation plan document with information regarding positions within each pay range, market rate salary for those positions, and what the new pay scales were.**
- **Drew Cummings to follow-up on the information requested regarding Work-based Learning.**

19-0604 Board and Commission Appointments - ABC Board

Monica Toomer, Clerk to the Board, distributed ballots to the Board. Chair Jacobs entertained a motion to suspend the rules to allow the Board to make appointments to the Alcoholic Beverage Control Board.

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

The motion carried unanimously.

The Board made the following appointments—individuals listed in bold print were appointed.

Alcoholic Beverage Control Board

Daniel Edwards (Carter, Hill, Jacobs, Reckhow)

Cory Daniel Maxwell (Howerton)

Frachele Scott (Carter, Hill, Howerton, Jacobs, Reckhow)

Adjournment

Vice-Chair Hill moved, seconded by Commissioner Howerton, to adjourn the meeting.

The motion carried unanimously.

The meeting adjourned at 2:11 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tania De Los Santos", is written over a light gray rectangular background.

Tania De Los Santos
Administrative Assistant