

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

Monday, August 1, 2022

9:00 A.M. Work Session

MINUTES

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

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

Presiders: Chair Brenda Howerton

Citizen Comments

The Board of County Commissioners provided a 30-minute comment period to allow Durham County citizens an opportunity to speak. Citizens were given the option to deliver their Citizen Comments in-person or virtually via email to the Clerk no later than Sunday, July 31st at 12 noon.

Leticia Soria advocated for affordable or long-term reentry housing for justice-involved residents once their transitional housing eligibility reached expiration. She noted a vital part of successful reentry for justice-involved Durham citizens was safe and affordable housing. The programs currently in place through the Reentry Council only offered short term support through transitional housing which resulted in instability and increased risk of recidivism after expiration. She asked the County to be very intentional and specific about how funding opportunities, such as the American Rescue Plan (i.e., ARPA), were used to address this public health issue.

Amanda Wallace, Operation Stop CPS Cofounder, spoke on a CPS case that involved two children, Prince and Zion, who were placed in foster care and, after almost three years, had not yet been reunified with their mother. She criticized the Board's response to the situation and demanded action be taken to reunite the children with their family.

Samantha Wynn, grandmother of Prince and Zion, recalled a previous instance in which she stood before the Board and was met with apathy. She described the poor condition her grandchildren were in after spending time in the foster care system and how the family missed out on many birthdays and holidays with the children.

Keke Woods, Operation Stop CPS representative and advocate for the Wynn family, described the depth of investigation performed before Operation Stop CPS advocates began working with families to ensure they were not helping families who were abusive, neglectful, or otherwise unfit for reunification. She noted that there was a disproportionate amount of Black and brown children in Child Protective Services as a result of bias. She described the events that led to the

removal of the Wynn children from their mother. She asked the Board to consider their role in the system and encouraged them to choose to help.

Chair Howerton announced this was a legal issue that, as a body of elected officials, the Board could not comment on.

Consent Agenda

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

22-0432 Budget Ordinance Amendment No. 23BCC00008 to Recognize \$42,500 in Grant Funding from the Durham ABC Board for the Adult Drug Treatment Court

The Board expressed appreciation for the detailed information provided in this agenda item.

Gudrun Parmer, Criminal Justice Resource Center Director, stated that this grant would allow the County to cover the copay costs for individuals when they go to clinics to receive Medically Assisted Treatment (MAT). She did not have any information regarding additional services Alliance could provide and stated the opioid settlement funding could be applied towards these types of services.

Ms. Parmer noted the City of Durham opted to allocate the entirety of their opioid settlement funds to the Lincoln Community Health Center.

Ms. Parmer described the Substance Use Clinicians and Case Management Assistants at the Criminal Justice Resource Center and noted the County did not have a purely peer-led support program.

Directive:

- **Staff to request Alliance attend a future Board meeting to discuss the services and programs they were providing.**
- **Staff to provide the Board with the following information:**
 - **How many total people were being served with MAT through the Detention Center, Lincoln Community Health Center, Recovery Response Center, Reentry, etc.**
 - **Estimate of how many people needed MAT but were not receiving it and what the cost would be to fill this gap.**
- **Staff to provide the Board with the opioid funds assessment.**
- **Staff to provide the Board with information regarding how the County was using peer support specialists in different areas of Durham County Government.**

22-0436 Award of the Arc Flash Analysis Services for the Utilities Division (RFQ 22-018) contract to McKim & Creed

Peri Manns, Deputy Director of Engineering and Environmental Services, clarified what an arc flash was and how this item was intended to protect County employees.

22-0445 Budget Ordinance Amendment No. 23BCC00012 to Recognize \$79,750 in Grant Revenue from the State Library of North Carolina to Re-fit and Hire Temporary Staff for the Durham County Library Tech Mobile: “LSTA Teaching Technology”

Library staff highlighted what this item meant for the County’s libraries and community. Tammy Baggett-Best, Library Director, discussed the Tech Mobile’s activities.

Directive: Staff to provide the Board with information on how the Tech Mobile was being utilized once it was up and traveling like normal (i.e., where it was going and how it was being used).

22-0446 Budget Ordinance Amendment No. 23BCC00013 Public Health to Appropriate \$292,806 of General Fund fund balance to Fund Increased Wellpath Jail Health Contract to Provide Comprehensive Medical Services for Inmates and Approval of Contract between Durham County and Wellpath to Provide Comprehensive Medical Services for Inmates in the Durham County Detention Center and Residents of the Durham County Youth Home

Rodney Jenkins, Public Health Director, clarified that this item was a result of Wellpath’s fee increase of 4% due to staffing needs. He noted this was meant to be a one-time increase and confirmed the County renewed Wellpath’s five-year contract last year.

Vice-Chair Jacobs looked forward to discussing and looking at different models for how the County provided healthcare in the Detention Center.

Directive: Staff the provide the Board with the Bid Tabulation.

22-0448 A Request to Petition NCDOT to adjust the official maintained mileage of Avalon Road (SR-1824) by adding 0.08 miles to the State Maintenance system to reflect the correct total of 0.49 miles

Mr. Manns and Ellen Beckmann, Transportation Manager, clarified the purpose of this item. The road was paved in 2001 and was later extended .08 miles; as a formality the County needed to officially amend the state highway maps to include it.

22-0450 Contract Amendment Establishing Funds for the FY22-23 Durham PreK Contract with Child Care Services Association

Vice-Chair Jacobs inquired as to whether there had been any discussion with the Governance Committee to perform a progress check to determine whether the County was meeting its goals as noted in the Pre-K study from 2017. She asked how many children were being served, what was the need and cost, was the County making any headway with Pre-K screening, and was the County seeing any impact when kids started kindergarten.

Cate Elander, Early Childhood Coordinator, discussed the information staff did have, such as the number of children who had been served, but noted there were challenges with data sharing that prevented a full look into the impact Pre-K had for children who were entering kindergarten.

Ms. Elander confirmed CCSA was involved in conversations about the childcare center at the County site. She discussed the work the Governance Committee was undertaking to create a fund development committee for Durham PreK and noted that engagement with the business community was a large part of it.

Commissioner Burns described Boston’s zoning requirements which required developers to pay \$100 per square foot of building space in any new commercial building in one of 14 downtown districts if they chose not to provide an on-site childcare center.

Chair Howerton hoped to further discuss the gap between three- to four-year-old children.

Directive:

- **Cate Elander to provide the Board with more specific information regarding the data that had been collected as well as more information regarding the data sharing challenges staff encountered.**
- **Cate Elander to work with CCSA on finding ways to present the Durham Pre-K annual report to the community in a more intentional way (e.g., public, community-facing report).**

22-0452 Contract with Upstream Works for Backbone Support for the Grown in Durham Initiative

Directive: Cate Elander to add a requirement for the Board to receive some sort of regular reporting in the Scope of Work.

22-0456 Budget Ordinance Amendment No. 23BCC00014 Public Health to Recognize \$262,706 from the NC DHHS Division of Public Health Women and Children’s Health / Children and Youth Branch to Strengthen and Maintain a Strong and Inclusive School Health Team

Rodney Jenkins clarified that the Public Health Department would hire the School Health Team.

Mr. Jenkins discussed the Whole Schools Program which was launched by the Durham Public Schools Foundation and focused on community-based mental health clinics.

Directive: Staff to provide the Board with more information regarding what the County was doing with DPS around school health with these funds.

There were no questions regarding the items below:

22-0429 Execution of a Consulting Service Agreement with Summit Design and Engineering for Construction Materials Testing Services as part of the Envelope Improvement Project at Stanford L. Warren Library for a total not-to-exceed \$74,947.40

22-0430 Approve the amendment to the annual enterprise contract renewals for the following: Gartner Consulting Services (leadership), Southern Computer Warehouse (Adobe), NWN (Varonis) and Carahsoft (ServiceNow). Using IS&T’s current fiscal year, 2022-2023 operational budget to increase the consolidated total amount of \$456,465.95 for renewal contracts.

22-0435 Award Contract for the Preliminary Engineering & Grant Services for the Utilities Division TWWTP Rehabilitation and Upgrade Project (RFQ 22-023) to CDM Smith

22-0437 Board of Elections Temporary Employee Compensation Plan

22-0438 Execution of a Contract with CMTA for Construction Phase Fundamental and Enhanced Commissioning Services for the New Durham County Youth Home for a total not-to exceed \$74,443.00

22-0441 Budget Ordinance Amendment No. 23BCC00018 to Recognize Funding from the U.S. Department of Justice, Bureau of Justice Assistance (BJA) in the Amount of \$109,471

22-0447 Budget Ordinance Amendment 23BCC00011 Depart of Social Services to Recognize funding for Durham County's FY2022-23 Home and Community Care Block Grant (HCCBG) Funding Plan and the Department of Social Services to Recognize HCCBG Funds in the Amount of \$878,457.00 which includes the required Durham County DSS Local Match of \$81,041.00. The Local Match of \$81,041.00 will be funded with existing budgeted funds.

22-0454 Budget Ordinance Amendment No. 23BCC00016 Public Health to Recognize \$1,433,151 from the NC DHHS Division of Public Health Epidemiology/ Communicable Disease Branch to Leverage and Build Upon Existing ELC Infrastructure

22-0455 Budget Ordinance Amendment No. 23BCC00015 Public Health to Recognize \$728,148 from the NC DHHS Division of Public Health Epidemiology/ Communicable Disease Branch to Expand Communicable Disease Surveillance, Detection, Control, and Prevention Activities to Address Covid-19

22-0460 Acceptance of Federal Aviation Administration (FAA) Grant Offers to Raleigh-Durham Airport Authority

Discussion Items

22-0442 Annual Update on HUB RTP from the Research Triangle Foundation

The Board was requested to receive an update on HUB RTP from the Research Triangle Foundation (RTF) team that was led by Scott Levitan, C.E.O.

The HUB RTP project was first envisioned several years ago by RTF as a bold step to redevelop a part of Research Triangle Park (RTP). RTP was initially planned and built as a research, manufacturing, and commerce park. HUB RTP was planned as a live-work-play node within RTP to aid in continuing RTP's place a premier site for employment and economic development by providing a more modern, holistic approach to development and community.

The County was a significant partner to RTF in this visionary re-development process, having provided a funding commitment of \$20,000,000 in 2015 via a Public-Private Partnership (PPP) agreement to aid in site infrastructure and amenity development to serve the project site. The County's commitment to this project was re-affirmed by maintaining this funding level while providing certain flexibility as was requested by RTF via an amended agreement. Additionally, the County also created new zoning districts and took other land-use related actions to facilitate this work to create new land-use and development concepts which facilitated RTP's redevelopment to remain a relevant and vibrant economic engine well into the future.

Staff provided an update on milestones to date since the previous year's presentation, including a summary of project and County funds spent to date and the project timeline. This presentation also provided an opportunity for an update on The Boxyard, the retail project adjacent to HUB RTP that was supporting The Frontier.

Linda Hall, RTF Executive VP & CFO, discussed the Experience Center, project timeline, and project funding.

The Board acknowledged RTF's great work culture, active efforts in ensuring diverse representation in their presentations, materials, and programming, project progress during the pandemic, for staying on budget, and having all their development project partners in place.

Mr. Levitan confirmed RTF had control of the Horseshoe as equity investors. He stated the greenways and greenspaces were controlled by an association of all property owners in the HUB project—these areas would be preserved, maintained, and remain publicly accessible.

22-0444 Comprehensive Plan Update

The new Durham Comprehensive Plan was in the final stages of development, with a release of the final draft and the beginning of the adoption process planned for later in 2022. Planning staff provided an update and sought feedback from the Board on the content of the draft plan, to date, before the full and final draft was released.

Commissioner Burns discussed the importance of ensuring the same level of engagement and education was made available and accessible to the communities who did not live within the city-limits.

In terms of outreach, Vice-Chair Jacobs noted the online future place type map was very difficult to navigate. To improve access and availability, she suggested having in-person events with pieces of the future place type map laid out with clear, identifiable features and an easily readable key. She raised concerns about the urban growth area and the referenced policies with questionable enforceability. Vice-Chair Jacobs pointed out there was a lack of mention of rapid transit, refugees and immigrants, childcare. She also stated there was nothing in the Guiding Principles regarding publicly owned/controlled land and its redeveloped for public interest (e.g., school sites, such as Northern, that were no longer used for schools). She suggested expanding the listed housing types to include cohousing, conservation subdivisions, and efficiency apartments. She also recommended including a sort of check list, such as those that were conducive to the "15-minute neighborhood."

Commissioner Carter echoed concerns regarding how to prevent sprawl.

Chair Howerton shared citizens' concerns about the unincorporated areas.

22-0359 City-County Interlocal Agreement (ILA) for Emergency Medical Technician (EMT) Support of the Community Safety Department's Crisis Response Team (CRT) Pilot

The Board of County Commissioners was requested to review and authorize the execution of an ILA to provide up to three (3) EMTs in support of the City's Community Safety Department's CRT pilot.

During the summer of 2022, Durham Community Safety Department (DCSD) planned to launch up to three new crisis response pilots that aimed to connect people experiencing non-violent mental health crises or quality of life concerns. The purpose of these new teams was to send the response that best matched the needs of residents and to quickly connect people experiencing behavioral health crises to the community-based care they needed to help resolve their crisis.

Each CRT would include a three-person unarmed team as initial responders to non-violent behavioral health and quality of life calls for service. As part of the CRT, the Durham County EMT would be able to provide emergency medical care should the need arise.

The Board expressed support for the HEART (Holistic Empathetic Assistance Response Teams) programs and commended staff for all their work and effort into these pilots.

Ryan Smith, Community Safety Department Director, confirmed he had been in conversation with Sheriff Birckhead but had not had any deeper discussions regarding expansion of this work to include the whole County. He discussed the possibility of data sharing and confirmed it was a priority for all involved and also described the first year and what staff focused on: planning and making use of City's resources.

Mr. Smith acknowledged that there were many other funding opportunities, such as philanthropic support, that staff wanted to focus on cultivating in the next year.

Abenda Bediako, Community Safety Department Clinical Manager, spoke on the great work environment that improved staff morale and clients found very approachable. She described the protocol staff followed when responding to a call located in an area with a history of potential violence.

Discussion was held regarding the algorithm used when dispatching staff to callers' homes and concerns about who the first responders were—the unarmed Crisis Response Team as opposed to the police—and how deadly one outcome was over the other.

22-0459 Initial Discussion of Proposed Items for NCACC Legislative Goals Process

The Board was requested to commence the development of statewide items for the 2023 NCACC Legislative Goals Process. Each biennium, counties were encouraged to submit proposed legislative items for consideration as the North Carolina Association of County Commissioners (NCACC) worked through a rigorous process to develop critical legislative proposals to advocate for during the General Assembly term.

Staff received several proposals from County Departments which were included in this agenda item. Various proposals approved by the Board from past sessions were also contained in the listing. During the discussion, the Board was asked to share any other proposed items that they desired to include so staff could research and prepare them for a final review at a subsequent meeting.

All submitted items must be approved by the Board and forwarded to NCACC with a letter from the Chairman by September 12, 2022. Following a period of vetting with the various committees and the Board of Directors, the membership would adopt final goals at the NCACC Legislative Goals Conference in November.

Once this process was completed, staff would forward Durham County specific legislative proposals for development, vetting and approval.

Deborah Craig-Ray, General Manager; Ben Rose, Department of Social Services Director; and Curtis Massey, Senior Assistant County Attorney; reviewed and answered questions about the Proposed Legislative Goals.

Commissioner Burns suggested adding the following to the list:

- Expansion of SNAP
- Increase economic development funds
- Increase support for schools

Vice-Chair Jacobs suggested adding the following to the list:

- Full funding for the Leandro decision (The case of Leandro v. State of North Carolina affirmed every child's state constitutional right to a sound, basic education beginning in early childhood).
- Increase funding for transit and transportation for urban and rural areas and address the current restrictions and requirements for matches.
- Affordable housing
- Workforce housing that included teachers and first responders
- Expand eligibility for state property tax extension categories
- Statewide templates for data sharing (a recommendation from the Familiar Faces Initiative)

Commissioner Carter suggested the following:

- Staff to meet with the Board of Education to determine if there were any policies both Boards could advocate for with the NC School Board Association (including the Leandro funding)
- To the Goals provided by Public Health, add wording to request policies to support children and families, women and children, and maternal health
- Advocate for gun safety
- Increase the minimum wage—staff could work on finding a specific figure.

Commissioner Allam made the following suggestions:

- For the minimum wage goal, the NC Budget and Tax Center listed \$18.50 as the average cost of living in North Carolina for one adult and one child. Staff could use this figure as a baseline when working on adding it to the Proposed Legislative Goals.
- Increase funding for community colleges
- Gun safety laws
- Preemption restrictions around property taxes and what constitutes as utilities
- Increase court system funding

Chair Howerton requested wording be added to request support for families, protections for Board of Elections and elections workers, and safety protections for patients in nursing homes.

Directive: Joanne Pierce to follow-up with prior Legislative Goal regarding Medicaid benefits for Detention Center detainees.

22-0467 Appoint Voting Delegate -North Carolina Association of County Commissioners (NCACC) 115th Annual Conference

The Board was requested to suspend the rules and vote to appoint Commissioners for the 2022 NCACC 115th Annual Conference held on August 11-13, 2022, in Cabarrus County, NC.

The Board was requested to appoint Vice-Chair Wendy Jacobs as the voting delegate and Commissioner Nimasheena Burns as the voting alternate for the NCACC Annual Conference.

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

The motion carried unanimously.

Commissioner Allam moved, seconded by Commissioner Carter, to nominate Vice-Chair Jacobs as the voting delegate and Commissioner Burns as the voting alternate.

The motion carried unanimously.

22-0473 Commissioner Comments

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

Commissioner Carter reminded the Board of the Farmland Tour scheduled for October 6, 2022.

Commissioner Burns stated she hoped to see everyone at National Night Out (NNO). She noted there were a number of nonprofits that were emerging from the pandemic in a rougher state than what they normally would be due to overburdening themselves in an effort to serve the community. She looked forward to discussing how to best support and uplift those nonprofits.

Monica Wallace, Clerk to the Board, discussed the plans for NNO.

Vice-Chair Jacobs discussed the Federal Task Force on mental illness and the courts who would be publishing guidance for treatment of people going through withdraw from alcohol and other substances while detained in detention centers. She planned to forward the information to the Board. She announced there would be a Federal Storm Act Funding that was for risk mitigation—states had to apply for it initially and then counties could apply for it through the state. She noted that it was important to understand how the 988 system was working in the state and how it would coordinate with the County’s 911 system, the Community Safety pilots, and the Community Paramedicine Program. Vice-Chair Jacobs also described Johnson County’s (Kansas) My Resource Connection (My RC), a robust data sharing system.

Chair Howerton announced she would be appointed to the Board of Directors for the National Association of Counties (NACo) and would be representing Durham at the national level.

Directive: Staff to provide the Board with information regarding the percent of children aged zero to two who had access to childcare. Nationally, only 23% of children aged zero to two had access to childcare.

22-0474 Follow-Up on Commissioner Directives

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

Vice-Chair Jacobs reminded the Board about the Plastic Bag Ordinance from 2021.

Attorney Darby provided the Board with a brief update regarding affordable housing for teachers and what could be done at the local level. Chair Howerton agreed to send the Board of Education Chair an email to prompt further discussion.

Commissioner Burns recalled asking DPS for a list or portfolio of all the properties owned by them that were not being used.

Closed Session

22-0466 Closed Session

The Board was requested to adjourn to Closed Session to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract; pursuant to G.S. 143-318.11(a)(5).

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

The motion carried unanimously.

Reconvene from Closed Session

Chair Howerton announced the Board had met in Closed Session and asked for a motion.

Commissioner Carter moved, seconded by Commissioner Burns, to authorize staff to enter an opening bid of \$100,000 to purchase Parcel ID 171593 and to respond appropriately to any upset bid that may be submitted to secure the property and to authorize the County Manager to execute all documents necessary to complete the transaction.

The motion carried unanimously.

Adjournment

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

The motion carried unanimously.

The meeting was adjourned at 2:59 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tania De Los Santos", with a long horizontal flourish extending to the right.

Tania De Los Santos
Administrative Assistant