

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

Tuesday, September 6, 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: Vice-Chair Wendy Jacobs and Chair Brenda Howerton

Citizen Comments

The Clerk announced that no Citizen Comments were received.

Consent Agenda

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

**22-0478 Local Assistance for Stormwater Infrastructure Investments (ARPA) Application
Resolution**

Ryan D. Eaves, PE, Stormwater and Erosion Control Division Manager, clarified the Whispering
Pines Project was an existing mobile home park with a history of flooding. He added the project
would be funded through a \$500,000 grant to reduce flooding impacts and water quality in the
area.

**22-0508 Interlocal Agreement between Durham County and City of Durham for
Department of Social Services to Administer the Low-Income Homeowner's Relief
Program**

Claudia Hager, General Manager, informed the Board that the ILA was consistent with previous
versions and would be a 50/50 split, to be paid based on actual expenses and grant allocations for
administrative costs. Kelly Inman, Chief Operations Officer, added the City requested changes to
be included on a reimbursement model and to align with fiscal years.

**22-0509 Durham County Sheriff's Office contract approval with Intellicom, Inc. in the
amount of \$158,866 for the Telecom and AV Project at the Detention Center**

Vice-Chair Jacobs expressed delight on the project approval and start up.

**22-0513 Budget Ordinance Amendment No. 23BCC00024 Public Health to Recognize
\$514,327 from the NC DHHS Division of Public Health Women and Children's Health/
Immunization Branch for Covid-19 Response**

Commissioner Carter stated the County should seize opportunities highlighting the work Public Health does.

22-0514 BOCC Approval of FY 2022-23 Governor’s Highway Safety Program (GHSP) Grant Funding Resolution

David LaBarre, Director of Planning & Development, clarified to the Board the program was meant to educate, encourage and enforce efforts surrounding fatalities and speeding. He added a presentation could be created to provide additional insight on performance measures and outcomes.

Directive:

- **David LaBarre was asked to create a presentation providing additional information related to performance measures and outcome as well as how to engage community input.**

22-0518 Approval of Interlocal Agreement with the City of Durham for Implementation of the Master Aging Plan

Drew Cummings, Chief of Staff, informed the Board that once the ILA and Aging Well Durham started; additional information would be provided to the community.

Kimberly Sowell, County Manager, added work with the County Attorney would determine the language pulled from the NDO to be included in the contract language.

22-0523 Standard Non-Reimbursable Utility Contracts for the Extension of the County Sanitary Sewer System

Stephanie Brixey, Deputy Director of Engineering and Environmental Services, clarified an agreement with the City of Durham was underway for the creation of a cost share flow model of the area. She added at the minimum there was 6M gallons a day available in regard to sewer plant capacities.

22-0528 Capital Project Amendment No.23CPA00008 Transferring \$5,196,188.77 in 2016 GO Bond Funding from Five Existing DPS School Projects to the Murray-Massenburg Capital Project (59105400SH292) and Closing Three DPS Projects

Commissioner Burns expressed how happy she was for construction completion and the renaming of the school.

22-0530 Execution of a Consulting Service Agreement with Kirsty Fontaine LLC in the Amount of \$101,400 to Support Enterprise-Wide and Joint City/County Efforts to Advance Equity Strategies

Joanne Pierce, General Manager informed the Board the contract was not in partnership with the City; however, it was created to sustain the City-County Racial Equity Commission and support internal Racial Equity departments for continuous equity advancement. She added a Racial Equity Officer previously started in May 2022 to advance equity strategies.

22-0531 Execution of a Service Agreement with Westaff Workforce Solutions LLC for Temporary Staffing in the Amount of \$238,442.40 for Community Intervention and Support Services Department to Support Programmatic Efforts

Joanne Pierce, General Manager clarified to the Board that the health department had contracts from previous years to support programs which needed additional employees. She stated those contracts were needed in place should non-FTE positions become vacant. Ms. Pierce added the partnership with Westaff created an opportunity to employ people quicker should an employee leave.

22-0532 Execution of a Service Agreement with Cure Violence Global in the Amount of \$65,500 to Provide Training and Technical Assistance to the Community Intervention and Support Services Department

Joanne Pierce, General Manager shared with the Board that this model was to support and implement training to cure violence and would reinvest into staff, instead of outsourcing.

There were no questions regarding the items below:

22-0440 Approval of FY22-23 Contract with the DPS Foundation for the Bull City Community Schools Project

22-0492 Budget Ordinance Amendment No. 23BCC00021 Public Health to Recognize \$20,000 from the North Carolina Department of Health and Human Services Division of Public Health to Support a Regional Tobacco-Free Collaborative and Implement a Tobacco Prevention and Control Action Plan

22-0493 BOCC Review of 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) Application

22-0510 Board of Elections Temporary Agency Amendment Contract Approval

22-0519 Authorization of an Amendment to Design Contract with RND Architects, PA for Design Development and Construction Administration Services Related to the Stanford L. Warren Interior Upgrades Project in the Amount of \$105,240, for a Total Revised Contract Amount of \$154,630

22-0520 Revision to the Award of the Arc Flash Analysis Services for the Utilities Division (RFQ 22-018) Contract to McKim & Creed Approved August 8, 2022

22-0521 Evoqua Water Technologies, LLC Contract Amendments for Utilities Division

22-0527 Budget Ordinance Amendment No 23BCC00026 Appropriating \$50,000 of General Fund Fund Balance for Court Facilities to Support Infrastructure Improvements and Expansion of Wireless Access to all Court Personnel and Guests

22-0534 Approval of Budget Ordinance Amendment No. 23BCC00027 Appropriating \$167,186 of General Fund fund Balance for Kate's Korner and to authorize the Contract for the Student Learning Center Located at DTCC

22-0548 Rekeying of Durham County Courthouse and Various County Buildings

22-0552 Acceptance of Federal Aviation Administration (FAA) Grant Offers to Raleigh-Durham Airport Authority

Discussion Items

22-0524 Proposed Framework for Acceptance and Distribution of Proceeds Relating to the Settlement of Opioid Litigation

The Board was requested to receive a report on the anticipated proceeds from the settlement of the Opioid Litigation, required steps to accept the funds and directing staff on desired next steps.

National class action lawsuits against prescription opioid distributors and one manufacturer resulted in a national settlement of \$26 billion, of which North Carolina received \$750 million. 85% of those funds would be distributed locally to all 100 counties and 17 municipalities over an 18-year period.

Recipients were required to develop a plan and decide on areas of focus and have the choice of two broad categories. While the planning process was flexible, a number of specific steps were to be followed.

Commissioner Carter asked were subject matter experts apart of the opioid committees. Gudrun Parmer, Interim General Manager, answered the committees had subject based experts on board to provide treatment and to ensure patients had funds to receive treatments. Ms. Parmer added half-way and boarding houses were also available as a resource to patients, but issues were prevalent due to the lack of funds.

Nidhi Sachdeva, Director of Strategic Health and Opioid Initiatives, NCACC, informed the Board recovery housing offered unconditional, permanent housing quickly to residents who were unhoused. She stated "*Housing First*" was an effective solution to homelessness and a form of cost saving - *reduced use of public services like hospitals, jails and emergency shelters.*

Vice Chair Jacobs inquired about the inventory used related to Option A. Ms. Parmer provided details regarding the twelve strategies in Option A. She stated the strategies showed a list of private and public providers assisting with opioid problems and was upgraded regularly. Ms. Parmer added the list showed an abundance of recovery support services; however, funding was needed for services to remain active. Option A also showed employment related, early intervention and additional services to the public.

The Board agreed a community input survey was needed to understand the needs of residents on how to combat substance abuse, to pay co-pays for individuals who could not afford help and provide data and resources.

Directive:

- **Staff to send communication email to the Board requesting input.**

22-0547 Classification and Compensation Study for the County of Durham

The Board received a brief update from Russell Campbell, Ed. D., Chief Administrative Officer, on the Management Advisory Group International (MAG), Inc., conducting the Classification and Compensation Study approved by the Board. On March 28, 2022, the Board approved Budget Amendment No. 22BCC00081 appropriating \$149,500 of General Fund Balance and authorized the County Manager to enter a contract with MAG to perform a comprehensive

review of the County's classification and compensation systems and conducted an internal equity analysis of employee salaries.

Chair Howerton inquired on whether citizens with certifications were considered on the same plateau as citizens with formal education. Mr. Campbell stated people with certifications/licenses were considered at the time of study. He added as per their policy and procedures guidance would be provided on how to give incentives and recognize additional certifications/licenses after the completion of the study.

Mr. Campbell answered questions pertaining to the flexibility of continued remote work and ways to give value to work benefits to attract the younger generation. He stated due to remote work being offered to a broad area of positions, the decision would be left to department heads, however it would not alter the direct results of compensation. Mr. Campbell also expressed the younger generation were more interested in maximum salary rather than benefits.

Kathy Everett-Perry, CHRO/Chief Employment Counsel, expressed to the Board an additional three (3) peer jurisdictions - *Guilford County, Mecklenburg County and Wake County* would be added to the study due to being relevant labor markets the county competes in.

Commissioner Carter inquired about how to address the wage market and how to consider the total compensation package. Mr. Russell stated the market rate would need to be found and once data was collected, any funds could be adjusted for increase.

Directive:

- **Staff to schedule meeting with Commissioners to allow in-depth questions and conversations with Mr. Campbell.**

22-0507 Greater Triangle Commuter Rail Study

The Greater Triangle Commuter Rail (GTCR) project would provide commuter-oriented passenger rail service between Durham, Wake, and Johnston counties in the existing North Carolina Railroad (NCR) corridor. This project was included in the adopted Durham County Transit Plan. In March 2020, the Board of Commissioners approved a Memorandum of Understanding (MOU) between the regional partners supporting continued development of this project. The MOU authorized a study led by GoTriangle to provide information on the benefits, costs, risks, engineering challenges, public engagement, and stakeholder support to inform a decision by the regional partners on whether to continue development of this project.

Vice-Chair Jacobs expressed it would be best to move forward with a phased approach and to take advantage of additional federal funding opportunities at an 80/20 match. She added the future of Durham County needed an effective metro system due to the increased growth in the job force and being able to connect all aspects of Durham.

Chair Howerton expressed concerns on what the County was doing to generate funding and the difficulties surrounding the start of the Commuter Rail Project.

Katherine Eggleston, GoTriangle Chief Development Officer, provided the Board with additional information on the great separation related to railroads. She stated discussions were

held to support projects with safety benefits for an opportunity of a railroad. Ellen Beckmann, Durham County Transportation Manager, added the County and City would have to search for ways to mitigate next steps and to ensure both jurisdictions were on one accord.

Chuck Lattuca, GoTriangle Chief Executive Officer, answered questions pertaining to businesses surrounding the commuter rail and how the County and GoTriangle could invite businesses to future partnerships. He stated businesses needed to hear what the project consisted of and the benefits which came with such partnership. He added RTP was prepared to step up with contributions, as well as developers providing leverage to businesses.

22-0533 American Rescue Plan Act Update

The American Rescue Plan would deliver \$350 billion for state, local, territorial, and Tribal governments to respond to the COVID-19 emergency. Funding also focused on infrastructure issues that face communities including efforts to bring back jobs. Durham County shall receive \$62,445,275.

ARPA funds would support several priorities including a public health response due to COVID-19, address negative economic impacts, replace public sector revenue loss, and fund premium pay for essential workers. The federal dollars could also address water, sewer, and broadband infrastructure. Funding must be encumbered by 2024 with all invoices paid by 2026.

Regarding rewarding funds to business owners, Dr. Kimberly Sowell, County Manager, stated the County had to be mindful on presenting large amounts to organizations due to the time limitations placed on when the funds should be spent, and ARPA funds had to be committed by 2024 and spent by 2026.

Commissioner Burns expressed the importance for maintaining the needs of the public and addressing the concerns brought before the Board. She added some additional changes were needed to the framework. Claudia Hager, General Manager informed the Board the framework was not complete, and the documents would be amended multiple times.

Ms. Hager discussed partnering with the City to spend funds and shared the next steps in the process. She stated the plan was to create a list of initial areas to partner with the City and recommended moving forward with an ILA or joint funded effort. Ms. Hager added the next steps included to meet back with the Board after discussions with the County Manager and City. She continued to say, Phase One (1) would be wrapped up by October 2022 with final approvals in November 2022.

Ms. Hager informed the Board that some RFP's had higher priority and over the next couple of weeks, a formal and finer timeline would be created. She clarified a funding amount had not been created for Phase 2 due to ongoing changes.

Chair Howerton suggested staff to attend future Crime Cabinet meetings to address housing issues.

22-0529 Proposed Items for 2023 Legislative Goals Process for NCACC

The Board was requested to finalize a listing of proposed legislative items for consideration by the North Carolina Association of County Commissioners as the organization works through a

rigorous process to develop critical legislative proposals to advocate for during the General Assembly session.

The Board was also requested to suspend the rules and vote on this final list of items. Upon approval staff would send all approved items to NCACC as requested in time for the September 12th deadline. Following a lengthy committee vetting process, the NCACC Legislative Goals Conference was held November 16-17 where submitted goals were voted on by county delegates.

Deborah Craig-Ray, Goal 1 General Manager, provided the Board with the following changes to the proposed legislative items for NCACC:

- Increasing the NC Highschool drop out age from 16 to 17
- Increasing state funding for childcare - using 300% of federal poverty line
- Seek legislation enabling improved data sharing between (certain) agencies that assist individuals with physical and behavioral health conditions who cycle between jails, emergency departments and other crisis services.
- Seek increased funding for continuing and transparent Economic Development in NC
- New Item Added - Clarifying the Authority of Local Governments and Other Public Bodies to Meet Remotely
- Proposal including “public employees”, “election workers”, and “public officials” in the definitions of Article 5A NCGS 14-16.10
- Amend Gun Safety Laws

The Board was requested to suspend the rules and approve all recommended items.

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

The motion carried unanimously.

The Board was requested to approve all recommended items.

Vice-Chair Jacobs moved, seconded by Commissioner Carter, to approve all recommended items.

The motion carried unanimously.

22-0390 County Food Security Initiatives Update and Upcoming Plans

The Board was requested to receive an update on County-funded food security initiatives during fiscal year 2022 and their impact in Durham County, as well as hear about and provide input on upcoming food security plans and initiatives.

The County continues to work to build trusting relationships with Durham County residents and local organizations, creating a strong foundation for collaboration. In fiscal year 2022, the County provided over \$1.7 million to support food insecure residents, especially those most affected by the negative economic impacts of COVID-19. In line with the County’s commitment

to equity, more than 69% or \$1.2 million of that funding was contracted with local Black or Brown own or lead organizations.

In fiscal year 2023, food security initiatives would further develop internal and external capacity to improve food security equitably and innovatively for all residents in Durham County, including creating a County-City Food Security team to foster cross-department approaches to addressing food insecurity.

Donna Rewalt, County Extension Director, informed the Board while working with mini grants the nonprofit process was designed to show how equitable the groups were serving and the way in which food was served to provide culturally relevant food. She stated due to increased awareness and communication between groups, additional goods were able to be delivered. Mary Oxendine, County Food Security Coordinator, added people learned how to collect additional data during the pandemic to utilize in the future for distributing food.

Ms. Oxendine answered questions pertaining to agencies who supported providing food for homeless residents. She stated Urban Ministries was an agency who the County closely worked with, however; residents could be directed to organizations which directly benefits them.

Discussions were held on transportation concerns for the elderly and barriers preventing access to food resources. Ms. Oxendine explained the County had a partnership with GoTriangle for seniors around DHA sites. She added Meals on Wheels was a great program but had a consistent wait list, as well as some food pantries would deliver to only a handful of families.

Vice-Chair Jacobs inquired about the quality of food received by residents. Ms. Oxendine stated there was food insecurity connected to chronic diseases in low-income neighborhoods, so initiatives like Nutrition Security were being created. She highlighted a “*Double Bucks Program*” - a program created to where transactions were matched dollar to dollar to allow recipients of SNAP benefits to be utilized at Farmer’s Markets.

Ms. Rewalt expressed the concerns surrounding issues with residents growing their own food. She stated the one (1) issue was the process and access of obtaining land. Ms. Rewalt suggested providing a plot of land to give the opportunity to new gardeners to learn how to grow food.

Commissioner Carter asked when the program would start. Ms. Oxendine informed the Board a team would connect with the City-County Food Security team to assist with the design of a RFP.

22-0535 Follow-Up on Board 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.

Drew Cummings, Chief of Staff, informed the Board staff were aware of unfinished directives and were actively working on them.

Commissioner Carter requested an update on the single use plastic bag fee. Peri Manns ASLA, Assistant General Manager, informed the Board Tobin Freid, Sustainability Manager, was in the process of assembling a team between the legal department and *Don't Waste Durham* to spearhead the project.

Chair Howerton recommended the item be brought before the Board during the October Work Session.

Directive:

- **Chair Howerton recommended the Single Use Plastic Bag item be shared with the Board at the October Work Session.**

22-0338 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 Burns congratulated North Carolina Central University football team for winning against the North Carolina Agricultural and Technical State University football team.

Public Hearing

Drew Cummings, Chief of Staff, stated the Board was requested to hold the first of two (2) required public hearings to consider related prior to submittal of a Durham County application to the CDBG Neighborhood Revitalization Grant program.

The Community Development Block Grant (CDBG) Neighborhood Revitalization Program, part of the NC Department of Commerce, offered non-entitlement entities (such as Durham County) the opportunity to tailor projects to meet the community development needs specific and most critical to their locality, primarily for low- and moderate-income residents. The NC Neighborhood Program incorporates several previous Rural Economic Development Division (REDD) Community Development Block Grant programs and activities such as Scattered Site Housing and Supportive Housing. In 2018 the proposed projects included home repair and potentially the repair of failing septic systems.

Working through the Triangle J Council of Governments (TJCOG), Durham County applied for such a grant in the 2018 cycle but did not receive funding. For this 2022 cycle, Durham County was eligible for up to \$950,000 and would again apply through a partnership with TJCOG and Rebuilding Together of the Triangle, a local non-profit the County shared a positive working relationship with for many years. The County shall offer a \$100,000 local match to strengthen its application. Any funds received would have to be spent outside the City limits because the City of Durham is an entitlement agency, which means they received CDBG funds annually as a matter of course.

The Board was requested to suspend the rules for the purpose of the Public Hearing.

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

The motion carried unanimously.

Adjournment

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

The motion carried unanimously.

The meeting was adjourned at 3:34 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sh. Wardrick". The signature is fluid and cursive, with a long horizontal stroke at the end.

Shaunecie Wardrick
Administrative Assistant