

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

Monday, May 3, 2021

9:00 A.M. Virtual 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

Monica Toomer, Clerk to the Board, read the following Citizen Comments submitted via email:

Barbara Jacobs

“To the Durham County Commissioners

You all have a very important decision to make concerning who will be our county manager in the future. This needs to be a decision made by you and not by the residents of Durham. They, like me, may give input which should be considered. But the commissioners have been elected by the citizens of Durham, and they must make decisions in the best interests of Durham residents. The commissioners have a better perspective. They will know about personnel issues which are not public knowledge. They have seen the current County Manager's evaluations.

Race has been injected into this appointment. It is not about race. It is about good, responsible government and finding the best qualified candidate. There are many other important issues in Durham that are about race. Please do not use race as a smokescreen in order to ignore the items which should be given consideration for this employment agreement. I am very sorry this appointment has been so politicized. The residents of Durham deserve an outstanding county manager who is compensated at a reasonable rate.

I requested and obtained a copy of the 2016 five-year employment agreement which followed a 1-year agreement. The county commissioners have a fiduciary duty to the taxpayers of Durham to spend their tax dollars reasonably and wisely. This agreement does not seem to be an example of that. For example:

1. It should have an end date. As it is currently written, it automatically renews if nothing is done. It is good governance to review an agreement and not just do nothing, and let it automatically renew.
2. A five-year term is a very long time for this agreement. The employee can walk away at any time with no penalty. It would be extremely difficult to fire the employee without paying the employee five years of salary and benefits, I believe a shorter contract would be fairer to the taxpayers of Durham.

3. The agreement states, “on the termination of this agreement for any reason whatsoever,” and goes on to say that the employee will immediately be vested with health benefits, including medical and dental coverage as a Durham County retiree. Does this mean that if the employee resigns at any time that they are rewarded by being vested in medical benefits including retiree benefits?
4. All of the benefits should be in line with other Durham County employees including contributions to the Retirement System, contributions to the 401-K, and vacation days. The current agreement grants 7 weeks of paid vacation. The manager is also entitled to 13 paid holidays in 2021, a total of 48 paid days off. That is like working only 4 days a week.
5. The Manager is paid \$600 per month for use of a personal vehicle. Ignoring non-working vacation days and holidays, that is \$35 for every single working day.

I urge you to carry out your responsibilities. Please remember that the compensation is paid from the pockets of Durham taxpayers, and make it a reasonable package. The people of Durham deserve an outstanding person in this role, someone who is qualified, cooperative, transparent and understands that the county manager works for the benefit of every person in Durham, as do the commissioners.”

Nicholas Graber-Grace

“Good Morning Commissioners and Durham County staff. I hope each of you is well this morning. I am writing to urge each of you to work proactively with the Durham Board of Education to support the creation of fifty school nurse and school social worker positions within Durham Public Schools, as requested by the Durham Association of Educators. These positions are badly needed to support our students and have been needed since long before the pandemic. While we all wish that the General Assembly would fund these positions, we cannot entrust the health and wellness of our students to the likes of Phil Berger and Tim Moore.

I am confident that Durham County can work creatively with the school district to fund these positions—perhaps relying on a combination of County and DPS federal COVID relief funds in the first couple of years as we scale up, with the County committing to sustain the positions in the long run once federal funds are expended. More than 800 people have signed the Durham Association of Educators petition calling for these positions, and we will share those petition signatures and request individual meetings with each of you soon to discuss our shared goals and budget priorities. We look forward to working with each of you to meet the needs of our students, and to fully fund Durham Public Schools.”

Erik Landfried, Transit Equity Campaign Manager at Bike Durham, played a video featuring transit workers and riders sharing feedback regarding desired improvements at or near bus stations. He shared that sidewalks/safe access to the bus stops came up in every single interview they conducted. He noted that other requests included better bus station shelters as well as more frequent, reliable, and direct service with shorter travel times within Durham and the larger region.

Consent Agenda

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

21-0205 Capital Project Amendment No.21CPA000031 Creating Three Capital Projects totaling \$12,438,000 for IS&T from FY 2020-21 to FY 2023-24 (four years); continuing regular IT equipment lifecycle replacement and infrastructure modernization Funding (IT Hardware Replacement, IT Audio-Visual Technologies, and IT Telecommunications); and Will Be funded from A Future Issuance of Bank Financing

Directives:

- Greg Marrow to provide the Board with information regarding what happened to County devices once they were cycled out and replaced.
- Greg Marrow to provide the Board with information regarding when the study about broadband in Northern Durham would be completed and when the Board would get the results.

21-0292 Approve Capital Project Amendment No. 21CPA0000033 Increasing the Northern High School Project (59105400SH239) by \$92,785,475 Using 2021 Limited Obligation Bonds (LOBs) and a Future Funding Source for a Total Project Budget of \$101,030,000

At the Board's request, Manager Davis summarized the item for the public's information.

There were no questions regarding the items below:

21-0248 Interlocal Cooperation Agreement between the County of Durham and City of Durham for the Purchase and Storage of Sodium Chloride (salt)

21-0255 Budget Amendment No.21BCC000106 Transferring \$130,412 of Sewer Utility Enterprise Fund FY 2020-21 Funding to the Collection System Rehabilitation Fund; Capital Project Amendment No. 21CPA000032 Appropriating \$130,412 from the Collection System Rehabilitation Fund to Create the Triangle Wastewater Treatment Plant Water Line Extension Project (7100SE059); and Approval of a Construction Contract with Pipeline Utilities, Inc. for the Construction of the Project.

21-0260 Approval of Budget Ordinance Amendment No. 21BCC000107 Appropriating \$60,000 of General Fund Fund Balance to cover Additional Capital Expenses (Fire-Proofing Cost) for The Durham Convention Center

21-0261 Budget Ordinance Amendment No. 21BCC000108 Recognizing a \$1,034 Donation from the Durham Friends Meeting to the Criminal Justice Resource Center

21-0263 Utilities Division Collection System Scheduled and Emergency Repair Contract Amendment with David Young Utilities, Inc.

21-0267 Durham County FY22 Transit Work Program and Durham County Transit Plan Material Change

21-0273 Emergency and Scheduled Repair Contract Amendment with David Young Utilities, Inc. for the Triangle Wastewater Treatment Plant

21-0274 Resolution of the Durham County Board of Commissioners in Support of the Building Center's Request to the North Carolina Department of Transportation for Economic Development Funds for the Widening of Riddle Road in Durham County

21-0282 Budget Ordinance Amendment No. 21BCC000109 Appropriating \$325,428.60 of General Fund Fund Balance for the Durham County Sheriff's Office O365 Migration Project and Approval of Associated Contracts for the Project

21-0293 Juvenile Crime Prevention Council Funding Recommendations for Fiscal Years 2022 and 2023

Discussion Items

21-0232 Community Child Protection Team Annual Report Presentation

The Board was requested to receive a presentation from the local Community Child Protection Team (CCPT) Chair, Christy Malott, regarding the annual report and current work of the Team.

The CCPT was a group of community representatives who promoted a community-wide approach to the problem of child abuse and neglect. Local teams identified and responded to gaps in the County's prevention and protection response to child abuse and neglect and work to maximize limited resources and advocate. The teams were established under Executive Order 142 in May 1991 and their duties and responsibilities were included in General Statute 10A NCAC 70A.0201. The Federal Child Abuse Prevention and Treatment Act (CAPTA) supported the work of the local CCPT.

The CCPT/CFPT made the following recommendations to the Board to address systemic gaps:

1. Advocate for Medicaid expansion in North Carolina;
2. Work to provide high speed internet access to all Durham County residents, including those who live in rural areas;
3. Offer free training on implicit biases to all Durham County residents and require such training of all Durham County employees;
4. Continue to fund medical and mental health services for those who do not qualify for Medicaid and cannot otherwise afford care;
5. Work to offer a language access line for anyone interfacing with Durham County government;
6. Acknowledge the need for services for intellectually disabled children (especially for those on the autism spectrum) and work to find funding for such services; if funding is available but service providers are not, assign a small group of individuals to recruit providers to Durham County or to identify why providers cannot be enticed to come;
7. Provide support for the CCPT to conduct a safe sleep awareness campaign using resources that already exist in NC;
8. Watch for and support the CCPT as it supports and evaluates child welfare reform practices under House Bill 630, including the development and roll out of evidenced based practices, culturally competent practices, and family-centered services;
9. Support child welfare recommendations from the Durham County Early Childhood Action Plan;
10. Identify community outreach efforts to bring awareness regarding child abuse/neglect and increase ease of reporting.

The CCPT/CFPT makes the following recommendations to North Carolina state leaders to address systemic gaps:

1. Expand Medicaid in North Carolina;
2. Fund more services for children with intellectual disabilities

Ms. Malott presented an update of the team’s activities, strategic goals, and highlighted areas of interest and concern regarding child safety and well-being. Cheryl Scott, Public Health Nurse Program Manager, and Ben Rose, Department of Social Services Director, discussed the recommendations.

Jovetta Whitfield, DSS Assistant Director Child & Family Services, confirmed there was no increase in the reported numbers of children being abused or neglected post the pandemic. She noted there could be some underreporting because of the pandemic.

Mr. Rose and Ms. Malott discussed how the community could help with preventing and ensuring that child abuse was reported.

Discussion was held regarding the importance of looking at the trends in child welfare in conjunction with maternal and infant mortality disparities.

Mr. Rose discussed Families First and how it would help shift more funding to preventative services. He stated it was not possible to focus the funding specifically on services for children with intellectual disabilities or the older foster care population.

Ms. Malott was encouraged to share the recommendations with the County’s new Community Safety and Wellness Task Force.

Directive: Cheryl Scott to provide the Board with a copy of the statement she made regarding the reasons why Medicaid expansion was necessary—it focused on women, infants, and children’s welfare.

21-0272 Update #2 from the Development Finance Initiative on the Pre-development Process for the former DSS Main St. Facility (Market Analysis)

The Board was requested to receive an update from the UNC School of Government’s Development Finance Initiative (DFI) on the Pre-development Process for the former DSS Main Street Facility and, more specifically, the Market Analysis performed by DFI. County staff and DFI requested the Board provide feedback/input as necessary.

Sarah Odio, DFI Project Manager, reviewed the pre-development project timeline, the unknown long-term impacts on small businesses, Durham County market overview, retail market highlights, and the next steps.

Ms. Odio stated that the data analysis was completed in April 2021. She discussed the public engagement process and how it would guide the design and construction of the building.

Ms. Odio confirmed that DPS had not been involved in the process yet, but she would reach out soon.

Directive: Sarah Odio to provide the Board with tabulations for the public engagement data.

21-0281 Update on the Capital Improvement Plan Process

The Board was requested to receive an update on the upcoming Capital Improvement Plan (CIP) refresh. This was a continuation of the discussion from the February 23rd Budget Retreat. The CIP was scheduled to be refreshed next fiscal year with a goal of adopting the revised plan by June 30, 2022.

Durham County's Financial Advisor Doug Carter, DEC Associates, discussed the County's financial planning and policy setting. He stated Durham County had a sound and long-practiced debt planning process.

General Manager Claudia Hager shared an overview on the current CIP and discussed the proposed framework to refresh the CIP.

Ms. Hager discussed the communication and coordination occurring with DPS regarding the bond. Susan Tezai, Chief Financial Officer, and Mr. Carter discussed the importance of adhering to the seven-year limit of bond issuance and noted that the County repeatedly asking for extensions would not be looked on favorably by the Local Government Commission (LGC) nor rating agencies—this could consequently impact the County's AAA rating.

Discussion was held regarding the importance of spending bond funds in a timely manner and reasons why this was difficult to do in certain circumstances. Commissioner Carter believed this discussion should be held with the DPS School Board present.

Mr. Carter and Keith Lane, Budget and Management Services Director, explained when and why Limited Obligation Bonds were used as opposed to General Obligation Bonds.

Manager Davis discussed how debt load affected credit rating and the ability to take on more debt was hindered by the amount that taxes could be raised—Durham County was already among the higher taxed jurisdictions in the state. Mr. Carter stated that the total debt limit legally for tax-supported debt was 8% of the county's assessed value.

Commissioner Carter suggested creating a separate MOU between the County and DPS which focused specifically on capital needs and planning. Manager Davis believed this could be achieved within the existing MOU.

Mr. Lane stated that Durham County's current tax rate was 71.22 cents and a portion of that (8.61 cents) was dedicated to pay for annual debt service payments. He believed this put the County in the top third of the tax rates in the state.

Mr. Carter stated that the benefits of the County's AAA credit rating were: lower cost of debt, greater access to markets (especially important during troubled financial times such as the Great Recession or pandemic), and painted the County as well managed (financially and otherwise) and therefore a great place for businesses and individuals to relocate to. Ms. Tezai acknowledged that the debt issuance made in January 2021 was the one in which Durham County received the lowest all-in interest rate on the LGC's records in the history of North Carolina—which spoke to Durham's credibility.

The Board discussed decorum and the need to remain respectful towards each other, staff, and other elected officials.

Vice Chair Jacobs requested more information on the pros and cons to the County's bond rating and fund balance. Manager Davis stated that Mr. Carter would be invited to attend a Budget Work Session to talk specifically about this.

Directives:

- **Claudia Hager to integrate the bond in the timeline shown in the PowerPoint as well as provide the Board with a timeline of the bond and the different steps it required.**
- **Keith Lane to provide the Board with a breakdown by project of the \$49.5 million unspent from the 2016 GO Bond.**
- **Keith Lane to provide the Board with information regarding the County's tax rate and how it compared to other municipalities (of similar size and similar budget size) and their ratings.**
- **Claudia Hager to provide the Board with more information about why the County's AAA rating was important and the difference it made in terms of being able to conduct County business and serve the community.**

21-0250 Update on World University Games

The Board received an update on the Triangle's bid for the 2027 World University Games (WUG) from Hill Carrow, Chair of the North Carolina Bid Committee (NCBC).

Through the efforts of the U.S. International Sports Federation, the Triangle was identified as the U.S. host region to bid for the 2027 WUG. This involved over 10,000 athletes and coaches, over 20,000 volunteers, hundreds of thousands of spectators, and millions of media impressions. The North Carolina Bid Committee presented this information to the Durham Sports Commission in January 2021, engaged a number of other partners as well (expressions of support had already been received from Duke, NCCU, CBC, and the Durham Bulls) and was engaging the cities and counties in the Triangle which might play a role in this hosting. At this point, the NCBC was informing local boards and looking for general expressions of support.

It was clear that a significant expense was involved in putting on this kind of event. How much could be covered through sponsorships, advertising, occupancy taxes, and other sources was not yet clear. Staff believed the proper approach was to learn as much as possible about this opportunity and, while not making any up-front commitments, stay in close touch with the bid committee as the planning efforts continued.

Mr. Carrow stated that the projected economic impact was \$150 million and the estimated budget was \$99 million. This budget would be funded by all the local partners, but local included the entire United States so funds could be sought from large corporations like Coca Cola or Toyota.

Mr. Carrow discussed the ways the Board could remain updated on how this project was progressing. He stated he would ensure the Board and County Manager were enrolled in the monthly newsletter. He noted that he did plan on returning because a letter of support, which would be included in the bid, from the County would be requested at a later date.

21-0266 City-County Planning Department FY22 Work Program

The Interlocal Cooperation Agreement between the City and County for merged planning functions charged the Planning Director with preparing and submitting to the Joint City-County Planning Committee, the Planning Commission, and both Managers a work program and annual budget that must be forwarded to both governing bodies for approval. The proposed work program was structured on the Department receiving sufficient resources for 46 full-time employees and operational overhead. Staff resources were fully allocated for the tasks reflected in the proposed work program with no capacity to take on additional tasks without either revising the work program to modify tasks by deleting existing tasks or changing expected outcomes and/or timelines.

The Board was requested to approve the proposed FY22 Planning Department Work Program.

Sara Young, Planning Director, discussed why the Southeast Area Plan was not mentioned in the work program—it was in the comprehensive plan and referred to as the Southeast Focus Area. She discussed the implementation of the City’s language access plan and the new planning tool for the public that would soon be rolled out.

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

The motion carried unanimously.

Commissioner Carter moved, seconded by Commissioner Allam, to approve the City-County Planning Department FY22 Work Program.

The motion carried unanimously.

21-0264 Durham County Transit Plan Update

Ellen Beckmann, Durham County Transportation Manager, and Aaron Cain, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) Planning Manager, provided the Board with an update on the development of the Durham County Transit Plan.

The Durham County Transit Plan was required by state legislation that enabled the local option half-cent sales tax for public transit improvements. The plan had to be adopted by the Board of County Commissioners, the GoTriangle Board of Trustees, and the DCHC MPO Board. The plan was first adopted in 2011, updated in 2017, and was centered around the Durham-Orange Light Rail Transit (DOLRT) project. In 2019, GoTriangle discontinued the light rail project which prompted the need for a new Durham County Transit Plan. The plan would guide the use of approximately \$1.05 billion for public transit improvements over the twenty-year horizon.

The Board of Commissioners last received an update on the plan on February 1, 2021. The current presentation reviewed the public engagement that was completed in Fall 2020 and how it was used to develop three representative transit scenarios. The purpose of the three scenarios was to facilitate public discussion and input on potential projects that were to be included in a preferred scenario for the Durham County Transit Plan. Public engagement on the scenarios was scheduled to begin on Monday, May 17th and run through June. The plan was expected to be completed by the end of 2021.

Mr. Cain discussed the conversations staff had with Durham Technical Community College. One of Durham Tech's main priorities was making it easier for people to access all three campuses.

Mr. Cain discussed the racial equity toolkit and noted that it would be applied to the preferred scenario. This information would be presented to the Board once it was available.

Mr. Cain discussed the metrics and models that would be analyzed and presented to the public. Vice Chair Jacobs suggested creating more relatable examples, such as having a Mr. Jones living in a particular neighborhood and traveling to a specific job site.

Directive: Ellen Beckmann to provide the Board with the Existing Conditions Report.

21-0265 Greater Triangle Commuter Rail Project Update

Jay Heikes, GoTriangle Senior Transportation Planner, provided the Board with a presentation on the Greater Triangle Commuter Rail project and the current activities of this 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 (NCRR) corridor. This project was in the adopted Durham County Transit Plan. In March 2020, the Board of Commissioners approved a Memorandum of Understanding (MOU) between the regional partners to support continued development of this project. The MOU authorized a study led by GoTriangle that would 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.

The Board of Commissioners last received an update on this project on February 1, 2021. The study was expected to be completed in late 2021.

Mr. Heikes discussed the benefits and impediments presented by having a shared rail.

21-0276 Review of Commissioner Directives

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

Vice Chair Jacobs inquired as to whether the March 22nd directive about the ARPA funds discussion would occur during the May 10th Regular Session. Ms. Hager stated that staff was given guidance to wait until directions were provided from the State Treasury before making decisions regarding how the ARPA funds would be used.

Vice Chair Jacobs announced the vaccine equity proposal from the Mayor. She noted it was time sensitive and hoped to have this item added to the May 11th Regular Session. Chair Howerton stated that the Public Health Department staff had been directed to provide the Board with analysis regarding the proposal and the Board would discuss the item once the analysis was provided. Commissioner Burns noted that she as well as some City Council members had questions about the fiscal aspect of the proposal.

Vice Chair Jacobs agreed to send staff an email regarding budget information staff was to follow-up on as well as a request on the status of the hiring freeze.

21-0291 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 Allam announced that she and Chair Howerton had met with a group that was interested in supporting the Board in the relationship training. She confirmed the cost was below the RFP threshold requirements. Commissioner Burns encouraged the Board to be mindful about keeping the procurement process pure and not mention any firm or business names. Vice Chair Jacobs expressed her support for moving forward if that was the Board consensus.

Chair Howerton raised the topic regarding a poll for scheduling a time for the Board to meet to discuss the performance evaluation process. Commissioner Burns agreed to provide a response to the Clerk by the end of the day.

Closed Session

21-0294 Closed Session

The Board was requested to adjourn to Closed Session to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged to G.S. 143-318.11(a)(3)

Commissioner Allam moved, seconded by Commissioner Burns, to adjourn to Closed Session.

The motion carried unanimously.

Reconvene from Closed Session

Chair Howerton announced that direction was given to staff.

Adjournment

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

The motion carried unanimously.

The meeting was adjourned at 3:10 p.m.

Respectfully submitted,



Tania De Los Santos
Administrative Assistant