

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

Monday, June 5, 2023

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

Presider: 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, June 4th at 12 noon.

Virtual speaker

DeWarren Langley voiced his concerns regarding critical needs in the community not being addressed in the allocation of funds in the County budget. He noted statistics which emphasized the urgent need for high-quality, measurable programs to support Black boys' academic success and prepare them for college and career readiness. He stated that the Charles Hamilton Houston Foundation offered a comprehensive range of programs, services, and mentorship for boys and young men of color. To continue providing these essential services, the Foundation required stable and long-term funding from Durham County Government and the City of Durham.

Agenda Adjustments

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

The motion carried unanimously.

Commissioner Allam moved, seconded by Commissioner Burns, to add a resolution honoring the late Conen Morgan to the consent agenda for the Board to approve and read it in its entirety at the Monday, June 12th Regular Session.

Consent Agenda

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

23-0344 Execution of a Service Agreement with Cure Violence Global in the Amount of \$79,750.00 to Provide Training and Technical Assistance to the Community Intervention and Support Services Department

Joanne Pierce, Assistant County Manager, clarified that the training was part of the Cure Violence Global model and had taken place every year since its inception. The training was required to ensure employees followed the model and they varied according to the employees' job assignments. She confirmed all new Cure Violence Global employees underwent training before they went out into the field and all employees received booster trainings throughout the year. Ms. Pierce noted Cure Violence Global was initially part of Public Health and now housed in Community Intervention & Support Services (CISS).

Krystal Harris, CISS Director, announced that the Data Analyst and the Community Support Manager positions would be posted once the County Budget was approved.

Directive: Bull City United to provide the Board with a report (not a presentation) about their outcomes in an email.

23-0370 Updated Fire Protection Services contracts with the Bahama, Lebanon, and Redwood Volunteer Fire Departments (VFD) that provide fire, rescue, and first responder services in Durham County and contract extensions with the Eno and New Hope VFDs.

Vice-Chair Jacobs voiced concerns regarding the changes that would occur under the new contracts and the possible changes in the service as a result.

Directive: Staff to provide the Board with presentations regarding changes to the Fire Protection Services contracts with the Bahama, Lebanon, and Redwood Volunteer Fire Departments.

There were no questions regarding the items below:

23-0296 Budget Amendment No.23BCC00094 and Capital Project Amendment No.23CPA00022 Appropriating \$900,000 of Sewer Utility Fund Fund Balance and Transferring those Funds to a New Capital Project Train 3 Rehabilitation (SE062); as well as Provide Approval of Sole Source Exemption for the Purchase of Rotors and Gearboxes in the amount of \$817,993 With a Not to Exceed Total Project Budget of \$900,000

23-0325 Approval of Purchase of Goods contract with Command Sourcing, Inc. for the purchase and installation of a millimeter-wave scanner for the New Durham County Youth Home via the North Carolina Sheriffs' Association procurement program

23-0345 Execution of a Service Agreement with Westaff Workforce Solutions LLC for Temporary Staffing in the Amount of \$236,527.20 for Community Intervention and Support Services Department to Support Programmatic Efforts

23-0348 Approve the Charter Resolution Reflecting the New Organization Name Change of Central Pines Regional Council (Formally Triangle J Council of Governments - TJCOG)

23-0360 Approve an Amendment of \$12,212 to the Westaff Contract to continue Contracted Administrative Services, increasing the total contract amount to \$52,211.98

23-0361 Approve an Amendment in the amount of \$18,951 to the Select Group Staffing contract to continue the Contracted Services of a Project Manager, Increasing the Total Contract Amount to \$303,750

23-0362 Approve an Amendment of \$22,733.03 to the Westaff Staffing Contract to continue the Contracted Services of a Senior Business Analyst, Increasing the Total Contract Amount to \$153,664.68

23-0363 Approve an Amendment in the amount of \$12,822.60 to the Westaff Staffing Contract to continue the Contracted Services of a Temporary Associate, Increasing the Total Contract Amount to \$68,293.56

23-0364 Approve an Amendment in the amount of \$11,200 to the Insight Global Staffing Contract to continue the Contracted Services of an IS&T Help Desk technician, increasing the Total Contract Amount to \$47,600

23-0365 Approve an amendment in the amount of \$69,498 for a contract renewal with OpenSesame, Inc.

23-0387 Accept the conveyance of a conservation easement from Triangle Land Conservancy for the permanent protection of the Newsome tract (parcel 193212), a priority property in the Army Compatible Use Buffer (ACUB) area.

23-0388 Request by the North Carolina Department of Transportation (NCDOT) for the addition of Summerwind Trail to the State Maintained Secondary Road System

23-0390 Award of Construction Contract for a Bypass Connection at Page Park Apartments Pump Station (IFB 23-025) to Carolina Civilworks Inc.

23-0391 Award of the Aeration Basin 3 Cleaning Services for Durham County Triangle Wastewater Treatment Plant (RFP 23-019) contract to Synagro Central LLC

23-0392 Budget Ordinance Amendment No.23BCCC000093 Transferring Available Unspent Personnel Funds Among Departments and Functional Areas to Support Personnel Expenses through the End of Fiscal Year 2022-23

Discussion Items

23-0342 Naming Committee Request for Lowell L. Siler - Former County Attorney

The Board received a brief update from the Durham County Naming Committee on the request for a renaming in the Admin II Building (submitted on March 2, 2023). Following the Board's recommendations, a public hearing and request for final approval would be scheduled for Monday, June 26, 2023.

Shannon Trapp, Chief of Staff, stated that the original request was to rename the entire building and the request was submitted by the Durham Committee on the Affairs of Black People and the Beta Phi Chapter of Omega Psi Phi Fraternity Incorporated. The request was in honor of the first African American Durham County Attorney who served Durham County for over 36 years. The Lowell L. Siler Lobby would be located on the first floor of Admin II at 201 East Main Street.

The Durham County Naming Committee's recommendation was to proceed with the renaming of the first-floor lobby in Admin II and hang Lowell L. Siler's photo with a brass plaque beneath. Staff hoped to unveil these at an event on July 14th which was also his birthday.

Ms. Trapp provided the Board with three options of where in the lobby the photo could be hung.

The Board voiced their preference for Option 1 which would be the photo facing the right front entrance of Admin II.

Discussion was held regarding possible changes to the Naming Policy to allow the naming of entire buildings. Vice-Chair Jacobs opposed allowing the naming of entire buildings after one person and recalled the reasons as to why the Naming Policy was made the way it was. She did support changing the name of Admin II to something more descriptive of the building's purpose (e.g., County Services Building) as well as editing the Naming Policy to reduce redundancy and improve readability for the public. Commissioner Burns encouraged the Board to be people of their time as much as people ahead of their time. She emphasized how the current Board of Commissioners was the first of its kind and it was okay to do special things that continued to build a legacy of inclusion. Chair Howerton encouraged staff to include the Durham Cultural Advisory Board in the naming discussions since they would have beneficial input regarding historical community markers.

The Board discussed whether Option 3 was a better choice since Option 1 would result in the portrait being beside a large TV.

Directive: Staff to provide the Board with more photos of the options with someone holding up a frame to better illustrate the size and placement.

23-0395 Lebanon Volunteer Fire Department Board of Directors Report to the Board of County Commissioners

During the May 24, 2023, Budget Work Session, the Board requested that the Lebanon Volunteer Fire Department (VFD) Board of Directors present information regarding its decision to terminate the employee contract with the Durham County and discuss the plan to provide on-going fire protection services to the residents in the Lebanon Fire District.

Durham County entered into an agreement with the Lebanon VFD in 1997 for employees to serve as firefighters. This agreement allowed the fire department to recruit and retain employees through Durham County with State retirement and County benefits. The cost of the employees was supported through the fire tax allocations of Lebanon Fire Tax District. On April 6, 2023, the Lebanon VFD Board of Directors notified Durham County of their intent to terminate the contract for employees effective December 1, 2023.

Kyle Hester, Lebanon VFD Assistant Chief and Board of Directors member, read the following:

“The Lebanon volunteer fire department has provided Fire and Rescue Services to the residents of the Lebanon Township for 52 years. This past year, our organization received the first Class 3 ISO rating for a volunteer fire department serving Durham County residents. This rating is the lowest, thus the best rating for those living in any rural Fire Protection District within the county, giving them the best insurance rate possible. Since being organized, our department has used a combination of methods to meet the needs of our community. Starting as an entirely volunteer organization, part-time employees were added in the late 1980s. In 1997, full-time employees were added through a partnership with Durham County. This partnership has allowed funding to pass through Durham County permitting our employees to enter the State Retirement System. The partnership did not and has never included any funding or financial subsidy from the Durham County general fund.

Currently, Lebanon is the only Durham County Fire Department using full-time employees for protection within the county other than the City of Durham. Funding for our fire department comes solely from taxes collected on our behalf from within our rural fire protection tax district along with some minimal donations. Unlike Durham County government which essentially has an unlimited taxing authority, North Carolina General Statute limits the maximum rural fire protection tax rate at 15 cents. With the Durham County partnership, Lebanon Board of Directors has routinely consented to the compensation model set forth for employees as recommended by Durham County Human Resources and adopted in the County’s annual budget process. We have never been privy to the pay and class decisions, nor have we had a clear knowledge of some of the extra benefits that we have been required to pay—specifically from the current budget year. Our board adopted a balanced budget based on the salary and benefits information provided to us by the County Budget Office. Halfway through the year, we were informed that the County would need to hold additional funding from our monthly operational disbursement to offset unbudgeted retention bonuses, longevity payments, and higher than expected merit increases. Although the compensation model has proven to be very lucrative for the staff, the negative impact on the Department's operational budget has now been realized. In order for the Lebanon VFD to continue to serve the community and stay financially sound, the decision has been made to sever only the employment portion of our contract with the County. This decision will allow the Board of Directors to manage employee costs directly to ensure a long financial future for the Fire Department.

We believe that under this reorganization we will be able to fairly compensate our full-time workforce and potentially add additional staff while controlling call. Additionally, we are also confident that we will continue to exceed the County’s minimum staffing requirements as directed in the contract for fire protection. Each of our current employees has been notified that a position is available for them if they choose to transition to the Lebanon entity. Please understand that as a Board, we serve our community; we did not come to this decision lightly. We truly value all the employees and members of Lebanon who work to keep our community safe. Simply put, this is a business decision predicated on our long-term financial stability ensuring that all of our members—volunteer, part-time, and full-time—will continue to have a department to serve with and work for.”

Fire Marshal Jason Shepherd discussed everything staff was doing to ensure there was a safety net for the nine affected employees and to help them stay in a Local Governmental Employees’ Retirement System. The employees were made aware of jobs within the County and City they could apply for, given resume writing help, and provided with internal information they needed.

Mr. Hester described what the Fire Department was doing to prepare for the transition of the employees who might leave and how they planned to attract new hires—the employees were

asked to make their intention known by August 1, 2023 so that the Department would have enough time to hire and train replacements. He stated that the Department's ISO rating would not change due to staffing. The Board of Directors did not believe residents would notice any changes in services due to staffing since there would be the same number of staff and the Department would have the potential to add more staff with the contract termination.

Cindy Wilson, President of the Lebanon Board of Directors, stated that there were around 19,000 residents who lived within the Lebanon jurisdiction.

Directive: Staff to provide the Board with a map of the geographic areas that each fire district served and their respective ISO ratings.

23-0353 Durham Transit Plan Governance Study

Adam Howell, Atkins Global Senior Director, provided the Board with a presentation on the Durham County Transit Comprehensive Participation Agreement and the Policies and Procedures Manual which was inclusive of the following:

1. Durham County Transit Comprehensive Participation Agreement
2. Policies and Procedures Manual
 - a. Financial Policies and Procedures
 - b. Work Program Amendment Policies
 - c. Staff Working Group (SWG) Bylaws and Operating Procedures

Ellen Beckmann, Transportation Director, confirmed there would be a webpage or website where all the policies would be housed and publicly available.

Discussions were held regarding having a separate fund specifically for capital projects. The Board was concerned about transparency and wanted to ensure it was clear to the public that the funds were for large capital projects in the future. Ms. Beckmann noted there was a "Durham Capital fund balance" for this purpose.

Commissioner Carter inquired about the slide that stated "*target fund balance will be 5% of a 10-year rolling horizon timeframe. Durham County will also keep a minimum \$10M in addition to the 5% CIP reserve.*" Mr. Howell and Claudia Hager, Deputy County Manager, clarified that this was meant to cushion against cashflow issues as experienced with previous projects due to supply chain issues, inflation, and other challenges with capital planning. Ms. Beckmann clarified that the \$10 million additional dollars was meant as a kind of revenue reserve in case sales tax did not realize the way it had been forecasted due to a recession. She also discussed the Increased Cost of Existing Services policies.

Directives:

- **Staff to update the various references in the documents with TJCOG's new name: Central Pines.**
- **Staff to create a Durham County Transportation webpage that housed the policies, the tracker the County was funding, and a cheat sheet for all the abbreviations.**

23-0393 FY24 Durham Transit Work Program

The Board received a presentation on the FY24 Durham Transit Work Program from Ms. Beckmann, Doug Plachcinski, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Executive Director, and Katharine Eggleston, Chief Development Officer GoTriangle.

As part of the appropriations process for the Durham County Transit Plan, an annual Work Program was developed which included a budget for the upcoming fiscal year. The Transit Plan Governance Agreement (ILA) determined the process by which the annual budget was developed and approved. The recently adopted ILA required approval by the Durham County Board of Commissioners and the GoTriangle Board of Trustees.

The Board received an informational presentation at the Work Session on March 6, 2023. At the Staff Working Group (SWG) meeting on April 19, the final FY24 Durham Transit Work Program was recommended for approval by a 2-1 vote. However, on April 21, GoTriangle sent Durham County a letter stating that GoTriangle would no longer allocate 50% of the vehicle rental tax to Durham, Orange, and Wake counties in the upcoming FY24 budget. This removed \$1,427,947 from the projected FY24 revenues. The Board received an update on May 1, and then the FY24 Work Program was re-considered by the SWG on May 17. The SWG unanimously recommended the final work program for approval.

The presentation outlined the recommended FY24 Work Program. Through approval of the FY24 Work Program, the Board also approved the designation of the agency hosting the SWG Administrator—which was Durham County starting in FY24. The FY24 Work Program also included a request for an additional two Full-Time-Equivalent (FTE) staff for GoTriangle Capital Development to accelerate the implementation of bus stops. A project agreement that established the goals and reporting metrics was in development. Lastly, the Work Program also included the approval of a budget for the continued operation of GoDurham Connect that required an adjustment to the operations of that project to ensure that the project was focused on the goals of providing transit service to areas that were not well served by fixed-route bus service.

Vice Chair Jacobs congratulated Ms. Beckmann as the lead on the Railroad Crossing Elimination grant which Durham received from the Federal Railway Administration.

Directives:

- **GoTriangle staff to provide the Board with a list of the MWBEs that were referenced.**
- **GoTriangle staff to provide the Board with more information regarding the adjustments made to the program rules and how it operated to ensure the budget was not being exceeded and that the project was focused on its goal to provide service where fixed route bus service was not available.**
- **Staff to provide the Board with the project agreement templates that showed administrative costs.**
- **Ellen Beckmann to provide a copy of the recommended Transit Plan to all the residents who provided public comments about it.**

23-0394 ARPA Update

The American Rescue Plan delivered \$350 billion for state, local, territorial, and Tribal governments to respond to the COVID-19 emergency—Durham County received \$62,445,275. ARPA funds could 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. Funding use could also address water, sewer, and broadband infrastructure and other priorities as identified in the US Treasury Final rule. Funding must be encumbered by 2024 with all invoices paid by 2026.

Ms. Hager and Reginald Johnson, Community Development Department Director, presented an update on ARPA funding, including potential next steps with interlocal agreements with the City of Durham related to affordable housing and cultural arts.

Commissioner Burns expressed concerns regarding the Harriet Tubman YWCA because it was a \$5 million dollar budget for only 15 units, the residents of the units were preselected, and the studio apartments did not have bathrooms—residents would share a community bathroom at the end of the hall. She inquired as to why the numerous investment partners had not put in more funds. Mr. Johnson clarified why the budget was noticeably higher for fewer units, it was more expensive to renovate the historic building while preserving the community history, stabilizing the neighborhood, and providing affordable housing. He added that these were 30% AMI units which was a financial rarity.

Discussions were held regarding sustaining the 30-year affordability and whether a clause could be included that provided the County right of first refusal after the affordability restrictions expired.

Mr. Johnson discussed maintenance of the buildings and noted developers were responsible for this.

Directive: Staff to provide the Board with information regarding the plan for maintaining affordability for each community after the affordability restrictions expired.

Adjournment

Commissioner Allam moved, seconded by Commissioner Burns, to adjourn the meeting.

The motion carried unanimously.

The meeting was adjourned at 11:42 a.m.

Respectfully submitted,



Tania De Los Santos
Administrative Assistant