

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

Monday, October 2, 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, Commissioner 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, October 1st at 12 noon.

The following citizens: *Pamela Andrews, Katy Ross, and Wanda Allen* expressed concern with the passing of the Upper Neuse River Basin reoption process as well as requested the Board to look at additional data pulled from 2020-2023 on the river watershed.

Consent Agenda

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

23-0461 Approval of Standard Non-Reimbursable Utility Contracts for Extensions of the County Sanitary Sewer System

Stephanie Brixley, Deputy Director, stated the contracts were between developers and the County, with the capacity of the station and cost to be covered by developers. She added revenue would go into the enterprise fund.

23-0717 Durham County Sheriff's Office Contract Amendment Approval with Motorola Solutions, Inc. in the Amount of \$10,145 (Total New Contract Amount \$1,031,868.73). This Contract was Part of the Capital Project for Body Worn Cameras (BWC).

County Attorney, Al Andrews, clarified redactions were common practices to censor sensitive information from the public.

David LaBarre, Director of Planning and Development at the Durham County Sheriff's Office added the release timing of BWC depended on the investigation. There was a statute which governed the release of footage, and a request could be made through the Sheriff's Office. He

continued to say legal representation and family members could receive footage quickly; however, the process was longer for media outlets.

23-0725 Budget Ordinance Amendment No. BCC00030 to Recognize \$228,484.00 in Grant Funding from the US DHHS Substance Abuse and Mental Health Services Administration Center for Substance Abuse Treatment and Adult Drug Treatment Court Expansion

Roshanna Parker, Interim Director, stated additional funds would be received over five (5) years and work would be performed annually upon contingency.

23-0731 Request for Approval of the Proposed Memorandum of Understanding between Durham and Orange Counties for the Storage and Implementation of the Mobile Processing Unit

Donna Rewalt, Durham County Extension Director, informed the Board the chicken processing plant was created due to farmers having to commute to further counties for processing and to provide education and training on how to use the unit. She added Orange and Durham Counties worked in tandem with each other and work would start on the units in October 2023.

23-0741 Budget Ordinance Amendment No. 24BCC00034 Appropriating \$250,000 of General Fund Fund Balance for the Durham Youth Home to Offset Higher Than Expected Use of Out-of-County Facilities

Discussion was held regarding updated data surrounding the cost of youth being housed in out-of-county facilities. Angela G. Nunn, Youth Home Director, stated the cost to house young adults in facilities was half the State rate at \$150 and with an average length of out-of-county stays being 12.48 days. She continued to say additional funding would not be received from the State to help assist with youth housed in out-of-county facilities.

23-0744 The Board requested to approve \$500,000 of America Rescue Plan Act-ARPA funds for Northwood Traverse, a case management tool, for the Department of Social Services

Vice Chair Jacobs highlighted the work the Department of Social Services would do, with using devices in the work field to provide accurate and updated information.

There were no questions regarding the items below:

23-0666 Approval of Contract with Stryker for the Purchase of Five (5) Power-LOAD Units in the amount of \$185,761.75

23-0668 Approval of a \$500,000 Contract with (RFP 23-038) with Communities in Partnership to Create a Community-Accountable Brick-and-Mortar Grocer in Northeast Central Durham

23-0689 Budget Ordinance Amendment No. 24BCC00027 to Recognize \$60,000 in Grant Funding from the Durham ABC Board for the Adult Drug Treatment Court

23-0703 Contract Approval with Carahsoft in the Amount of \$136,082.31 to Allow Durham County to Purchase Website Strategy Services to Assist with the Planning and Redesign of DCONC.gov, the County's Public-Facing Website.

23-0710 Request for Board Approval of the Durham County Memorial Stadium Sponsorship Policy

23-0719 Approve Triangle Wastewater Treatment Plant (TWWTP) Residuals Transport and Disposal Contract Amendment with McGill Environmental Systems of NC, Inc. in the Amount of \$136,594 Bringing the Total Contract Amount to \$408,600.

23-0720 Approve Award of Sodium Aluminate Contract for the Triangle Wastewater Treatment Plant (TWWTP) to C&S Chemicals, Invitation for Bid (IFB) 23-034 in the Amount of \$248,500 but not to Exceed \$298,000.

23-0722 Approve Sole Source Exemption for Purchase of Remote Switch Actuators from CBSArcSafe for the Triangle Wastewater Treatment (TWWTP)

23-0723 Approval of Capital Project Amendment No.24CPA00007 and Budget Amendment No.24BCC00035 Appropriating \$1,704,836 of Debt Service Fund Fund Balance, Transferring \$1,704,836 of Debt Service Fund Fund Balance to the PAYGO Fund and Using PAYGO Funding to Pay for Construction Repairs and Interior Upgrades at the Stanford L. Warren Library (6110DC097); as well as Executing a Construction Change Order in the Amount of \$1,910,751 with Muter Construction for Interior Repairs and Upgrades at the Stanford L. Warren Library plus Owner's Contingency at 10 percent for a Total Not-to-Exceed Contract Amount of \$4,140,324.

23-0734 Budget Ordinance Amendment No. 24BCC00038 to Recognize \$345,375 of year-2 funds to support grant award #1H79TI084839-01 to the Office of Emergency Services-EMS Division (OES-EMS) from the US Department of Health and Human Services (DHHS), Substance Abuse and Mental Health Services Administration (SAMHSA), and to authorize the County Manager to sign and execute all contracts for authorized and approved uses associated with the grant program throughout the grant's period of performance.

23-0738 Approval of Budget Ordinance Amendment No. 24BCC00033 Appropriating \$112,905 of General Fund Fund Balance to Support a Position Related to the Reorganization of the Human Resources Department.

23-0742 Approval of Capital Project Amendment No.24CPA00008 Appropriating \$1,736,015.13 in Limited Obligation Bond Funding (LOBS) to the Board of Elections S. Roxboro Street Renovation Capital Project (4730DC155) for the early purchase packages for the renovation and to Execute the Construction Manager @ Risk GMP#1 "Pre-purchase packages" Contract for the BOE S. Roxboro St. Renovation Project.

23-0743 Budget Ordinance Amendment No. 24BCC00032 - Transferring \$7,548,086 of General Fund Fund Balance to the Capital Financing Fund in Recognition of Final Sales and Occupancy Tax Collection from the Prior Year in Adherence to Board Policy.

23-0749 Budget Ordinance Amendment No. 24BCC00037 in the Amount of \$129,886.61 to Recognize Grant Award for Year 2 of the EMS Bridge MAT (Medication Assisted Treatment) Program to the Office of Emergency Services-EMS Division (OES-EMS) from

the NC Department of Health and Human Services (NCDHHS), and to Authorize the County Manager to Sign and Execute All Contracts and Purchases.

23-0752 Budget Ordinance Amendment No. 24BCC00036 FY 2023-24 Encumbrance Rollover - Increasing Multiple Funds Budgeted Expenditures and Revenues by a total of \$22,841,176.13.

Discussion Items

23-0664 Additions and Alterations for Environmental Health's Onsite Water Protection Section Fees as Required by Session Law 2023-90 (H628)

The Board was requested to suspend the rules and vote to approve additions and alterations of Environmental Health's Onsite Water Protection Section fees as required by Session Law 2023-90 (H628) effective September 1, 2023: Application for Improvement Permit (IP) at \$250; Construction Authorization (CA) Type I and II at \$80; IP and CA Type I or II at \$180; CA Type III at \$140; IP and CA Type III at \$240; CA Type IV, V, VI at \$210; and IP and CA Type IV, V, VI at \$310. Engineered Option Permits (EOP) were currently \$150 and must be lowered to no more than \$35. A newly created Authorized Onsite Wastewater Evaluator Permit (AOWE) fee could be no more than \$35.00. The impact of total revenue could not be determined as it depended upon how many private permitting options were executed in FY24. The number of private permit options were very low for Durham County, but it was anticipated to increase.

The Board requested Maggie Cveticanin, DSS Director, to highlight the increase of Medicaid applicants. Ms. Cveticanin stated there were 78,000 applicants who applied for Medicaid in 2023, with 21,000 currently enrolled. She added there was an annual enrollment process for applicants who enrolled in Medicaid.

Patrick Eaton, Environmental Health Director, informed the Board that the Onsite Water Protection permit pathways would be available in North Carolina and these pathways would not affect permit process nor fees; however, it would affect soil permits and private projects.

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

The motion carried unanimously.

Commissioner Carter moved, seconded by Commissioner Allam, to approve the Additions and Alterations for Environmental Health's Onsite Water Protection Section Fees as required by Session Law 2023-90 (H628).

The motion carried unanimously.

23-0667 Update Presentation on the Upper Neuse River Basin Association Efforts on Falls Lake Rules Readoption Process and Consensus Principals

The Board was requested to receive an updated presentation from Forrest Westall, Executive Director of the Upper River Basin Association (UNRBA) on the Rules Readoption Process for the Falls Lake Rules. The UNRBA was formed in 1996 to provide an ongoing forum for

cooperation on water quality protection, water resource planning and management within the 770-square-mile Falls Lake watershed. Since 2011, the UNRBA focused on finding more productive ways to protect and improve the quality of the water in Falls Lake by controlling the amount of nitrogen and phosphorus that flowed into it. This included significant investment in water quality monitoring and modeling to better inform a reexamination of the Falls Rules. This update detailed the UNRBA's efforts toward reexamination including the Concepts and Principles document and Consensus Principles II. The UNRBA Board was scheduled to vote on these in November or December 2023. The documents would then be submitted to the North Carolina Department of Environmental Quality for inclusion in the readoption process.

Forrest Westall, PE, Executive Director of Upper Neuse River Basin Association, shared all counties apart of the association contributed to the readoption process, with 40 percent from the amount of available land, 50 percent from the amount of water used and the remaining 10 percent to be evenly distributed across all county districts. He continued to say data would need to be examined every five (5) years.

The Board agreed to move forward with the approval of the consensus principals to be formally submitted by UNRBA to the Division of Water Resources and Environmental Management Commission.

23-0709 Presentation for the Board of County Commissioners to Review and Approve the Recommended Revised Fee Structure for the Durham County Memorial Stadium – Effective October 30, 2023

The Board was requested to review and approve the recommended revised rental fee structure for DCo Stadium. The DCo Memorial Stadium Manager presented to the Stadium Authority Board the current pricing and expense structure for Durham County Memorial Stadium on February 7, 2023. The stadium continued to see consistent bookings through the spring and summer peak seasons. The practice field and practice rates were the least utilized rate options and upon review of the other venues the stadium's rates fell out of alignment with the surrounding areas.

While the pricing structure generally was seen as an incentive to the event organizers the operating costs post-pandemic did not fully capture many of the expenses and started to lag behind the operational rates and fees. For example, janitorial expenses increased 50% with the new service contract and utility costs increased 20%. The stadium manager also identified staffing challenges provided by General Services, the Durham County Sheriff and third-party staffing contractors mostly relating to costs and staffing availability. Additionally, as the stadium continues to improve its amenities and pursue more regional or national level events, increasing revenues would be necessary to help support these projects.

Zach Pritchard, Stadium Manager, shared the stadium cost around \$3,000 annually for Durham Public School events. He added work was done with their legal department and Durham Sports Commission to develop a reasonable amount of funds to raise each year, as well as allowing the waiver of fees at select events for lower-income youth.

Claudia Hager, Deputy Manager, suggested an offset budget be created to help with the waiver of fees.

23-0712 Presentation to the Board of County Commissioners of the Durham County Memorial Stadium Operation Recap of FY2022-2023 and the Facility Objectives FY2023-2024.

The Board was requested to review the presentation of the Durham County Memorial Stadium operation recap of FY2022-2023 and the facility objectives for FY2023-2024. This presentation provided a facility overview, facility recap and facility objectives for FY2023-2024.

Zachary Pritchard, Stadium Manager, answered questions pertaining to the impact of Northern High School (NHS) no longer utilizing the stadium, concession opportunities to increase revenue and alcohol sales. He stated Mount Zion would be a new vendor to host games at the stadium as well as Durham Public Schools would host major rival games at the stadium, so the impact of losing NHS was not high. Mr. Pritchard continued to say the stadium acquired multiple subcontractors to operate for concessions and the stadium was licensed to sale beer at select (non-youth) events.

23-0753 Board Discussion on the Resolution Adopting the Durham Comprehensive Plan

The Board was requested to review and approve a resolution adopting the Durham Comprehensive Plan at the October 9, 2023 meeting.

Scott Whiteman, AICP, Planning Manager, shared a presentation with the Board highlighting four (4) changes:

1. Added stronger language emphasizing affordable housing.
2. Added Farrington Mill area back into urban growth boundary.
3. Further retraction of urban growth boundary around Treyburn Park.
4. Selective rezoning of land to have the zoning better match place types.

He emphasized these changes were made to ensure properties maintained on the sewer line and residents would continue to receive access to City water lines. Mr. Whiteman added the development tiers were tied to the Unified Development Ordinance and these tiers were kept in place until the new UDO was adopted.

The Board questioned would the urban growth boundary and suburban tiers be connected. Mr. Whiteman stated tiers would not be aligned for a short period of time; however, tiers would still be effective. He added residents could find information online and staff would continue to actively engage with residents to receive feedback.

23-0729 Presentation on the Renewable Energy Plan seeking approval of Budget Ordinance Amendment No. 24BCC00039 Transferring \$789,700 of Capital Financing Plan Fund Funding to the Engineering Department General Fund Budget to Support a Durham County Comprehensive Facilities Assessment and Approve Authorization for the County Manager to Enter into a Contract with HDR Engineering, Inc. of the Carolinas, (HDR) to provide Comprehensive Facilities Assessment for the Durham County Renewable Energy Plan in the amount of \$789,700

The Board was requested to receive a presentation on the Renewable Energy Plan and was requested to approve Budget Ordinance Amendment No. 24BOA00039 transferring \$789,700 of Capital Financing Plan Fund funding to the Engineering Department General Fund budget to support a Durham County Renewable Energy Facilities Assessment and authorized the County Manager to enter into a contract with HDR Engineering, Inc. of the Carolinas, (HDR) to provide

Comprehensive Facilities Assessments for the Durham County Renewable Energy Plan in the amount of \$789,700.

In February 2022, the Board adopted a Renewable Energy Plan (REP) to reach the goal of running operations on 80% renewable energy by 2030 and 100% by 2050. The proposed Comprehensive Facilities Assessment would identify specific, actionable opportunities to increase energy efficiency and convert fossil fuel end-uses to renewable energy as required by the REP. HDR shall provide financial analysis, consultation, and facilitation of technical content to prepare a comprehensive report on energy efficiency retrofits, beneficial electrification of facilities including electric vehicle charging stations, and the incorporation of solar photovoltaics and energy storage. This would allow for Durham County to estimate the financial impact, as well as the potential greenhouse gas emissions reduction impacts, and create a schedule for implementation. Major recommended improvements were submitted to the Board for approval and funding.

This approach of conducting comprehensive assessments for 43 facilities through one assessment process provided several benefits including: consistency across all facilities, reduced overall costs and staff time, faster process to meet goals, utility savings accrue faster and longer, ability to apply for historic grant funds for implementation, and opportunities to standardize new equipment across facilities during implementation.

Tobin Freid, Sustainability Manager held a discussion on whether the deadline for the plan would be met. She stated staff were close to meeting the deadline; however, there were some fleet issues – being unable to acquire electric cars – but vehicles could be swapped out later. Ms. Freid continued to say, Durham Public Schools and libraries would be assessed for solar energy at a later time and there were enough funds to cover the assessment.

Julio Delgado, Assistant County Manager, added the information received showed the County could apply for grants that would cover the additional funds needed for renewable energy.

Ms. Freid confirmed local governments adopted renewable energy plans around the same time as Durham County and would provide information on those entities who adopted those plans.

Directive:

- **Staff to provide information on local governments who adopted renewable energy plans.**

23-0739 ARPA Update

The Board was requested to receive an update on the American Rescue Plan Act (ARPA) funds. 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 supported several priorities including a public health response due to COVID-19, addressed negative economic impacts, replaced public sector revenue loss, and funded premium pay for essential workers. Funding use also addressed 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.

Claudia Hager, Deputy Manager, informed the Board conversations were held with the City regarding infrastructure changes, tax revenue being used to offset costs of developments and if developers would pay for future projects. She added a written update would be provided to the Board to address those issues.

According to Vincent J. Chirichella II, Senior Project Manager, residents received newsletters, social media updates, website postings and were a part of a mass email list to be notified of all up-to-date information on ARPA and future housing.

Directive:

- **Staff to provide a written update to the Board pertaining to infrastructure changes and strategies around residents receiving new information on ARPA funds.**

23-0758 Commissioner Comments

The Board was requested to allow each Commissioner six (6) minutes to report on conferences or make comments regarding issues that may be of interest or concern to the Board.

There were no comments.

23-0759 Closed Session

The Board was requested to adjourn into Closed Session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee; pursuant to G. S. 143-318.11(a)(6).

Commissioner Allam moved, seconded by Vice-Chair Jacobs to go into Closed Session.

The motion carried unanimously.

Reconvene to Open Session

Chair Howerton stated the Board met in closed session and provided directions to staff.

Commissioner Burns moved, seconded by Vice-Chair Jacobs to reconvene to Open Session.

The motion carried unanimously.

Adjournment

Commissioner Allam moved, seconded by Commissioner Burns, 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 'Shaunecie Wardrick', with a stylized flourish at the end.

Shaunecie Wardrick
Administrative Assistant