

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

Tuesday, October 7, 2024

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

Presider: Chair Nida Allam

Zoom Hybrid
Participants: 6

Closed Session – 9:00 AM

The Board requested to adjourn to 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 Jacobs moved, seconded by Commissioner Howerton to adjourn
into Closed Session.

The motion carried unanimously.

Reconvene to Open Session

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

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 6th at 12 noon.

There were no citizens signed up to speak.

Consent Agenda

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

24-0424 Approval of Contract with CML Security, LLC in the Amount of \$472,300 to Install Food Pass Doors Inside the Durham County Detention Facility for the Durham County Sheriff's Office

David LaBarre, Operations and Development Manager, confirmed the installation of the doors was a high priority due to safety concerns. This project was not new, as doors were previously installed to be able to transfer food to the inmates; additionally, the project would add 238 new doors throughout the facility.

24-0589 Budget Ordinance Amendment No. 25BCC027 to Recognize \$370,261 in Year 3 Grant Funding 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

Helen Tripp, EMS Program Manager, clarified the data was related to the goals that were set and the focus of the grant was to increase the amount of Narcan in spaces.

24-0617 Approval of Standard Non-Reimbursable Utility Contracts for the Extension of the County Sanitary Sewer System

Stephaine Brixey, Deputy Director, shared that the initial cost for the County was zero (0) dollars, with a warranty for up to a year. She continued to say the County would take over after the warranty expired and would conduct maintenance on the system.

There were no questions regarding the items below:

24-0596 Approval of Memorandum of Agreement Central Pines Regional Council (CPRC) in the amount of \$1,861.78 to provide planning and technical assistance for the Triangle Region Solid Waste Consortium.

24-0597 Approval to Enter into a Contract with Chirpy Bird, Inc. in the amount not to exceed \$74,5000 to Provide a HIPAA Privacy & Security Risk Assessment & GAP Analysis

24-0600 Budget Ordinance Amendment No. 25BCC028 Public Health to Recognize \$196,508 from NCDHHS Division of Public Health to Improve Community Health

24-0601 Budget Ordinance Amendment No. 25BCC029 Public Health to Recognize \$60,234 from The Duke Endowment to Support the Partnership for a Healthy Durham

24-0612 Approval of Contract Amendment for Sanford Electrical Contractors, LLC, for Electrical Services in the Amount of \$80,000 Bringing the Total Amount to \$120,000

24-0613 Approval for Sole Source Exemption and Contract Amendment for Southern Ionics, Inc. for PHOS SORB in the Amount of \$100,000 Bringing the Total Amount to \$130,000 With a Not to Exceed of \$150,000

24-0616 Approval to Enter into a Contract with O'Brien Atkins Associates, PA, in the Amount of \$78,575.00 for the Replacement of the Fire Pump, Control System, and Backflow Preventer at the Durham County Detention Center.

24-0621 Approval of Capital Project Amendment No.25CPA016 and Budget Ordinance Amendment No.25BCC031 Appropriating \$100K of Debt Service Fund Fund Balance and Transferring \$100K to the PAYGO Fund to Support the Execution of the Duke Energy Lighting Agreement for a Not to Exceed Amount of \$51,840.43 for Decorative Light Poles for the 115 N. Queen St. Parking Garage (300 Block East Main Redevelopment Capital Project 4730DC150)

24-0624 Approve Submission of a Letter to N.C. Department of Health & Human Services Outlining the Aggregate Percentage Change of 0% to Public Health's Chargemaster Rate

Other Business

24-0630 The Board is Requested to Suspend the Rules and Authorize County Manager to Execute Contract Amendment for Uniformed Security Services with Nighthawk Security and Consulting, LLC Funds Reservation 2500000110 under RFP22 019R1 Increasing the Contract by \$36,345.64 for an Amended Amount of \$4,310,734.60 to support security at the Early Voting Sites and Election Meetings.

The Board was requested to suspend the rules and authorize the County Manager to execute an amendment to the service contract with Nighthawk Security and Consulting, LLC. Under RFP No. 22-019R1 Contracted Uniformed Security Services in the amount of \$36,345.64 for FY2024-2025 to an amended total of \$4,310,734.60 to support security at the Early Voting Sites and Election Meetings.

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

The motion carried unanimously.

Vice-Chair Burns moved, seconded by Commissioner Carter, to authorize the County Manager to execute a contract amendment for Uniformed Security Services with Nighthawk Security and Consulting, LLC funds reservation 2500000110 under RFP22 019R1 increasing the contract by \$36,345.64 for an amended amount of 4,310,734.60 to support security at the Early Voting Sites and Election Meetings.

The motion carried unanimously.

Discussion Items

24-0619 Update Presentation on the Durham County Public Art Program

The Board was requested to receive an update from staff on the Public Art Program highlighting the recently completed and planned work. The BOCC adopted a Resolution in September 2019 for the Public Art Program which authorized up to 1% of Capital Project funding to be set aside to encourage and fund Public Art in Durham County.

Sarah Martin, Public Arts Coordinator, explained artists used a special sealant before and after painting and utilized a maintenance plan for needed touchups to ensure murals were long lasting.

She continued to say questions were asked to people who would utilize a space the most to determine should a mural or sculpture be put in place. Brenda Hayes-Bright, Assoc. AIA, CDT, Project Manager/Public Arts Manager, added the budget would be considered for the location to decide if a mural or sculpture fitted their needs, since a mural was considerably cheaper than a sculpture.

Ms. Martin confirmed the Public Art Program was in partnership with Discover Durham to conduct a public art tour for the Neighborhood Collage. She was excited to make the County website interactive with the public for the Public Art Program.

Discussions were held regarding the recommendations related to the need to support local artists. E’Vonne Coleman-Cook, Durham Cultural Advisory Board Member, shared that the cultural plan would explore all options including *Business opportunities, Affordable spaces for studios and Long-term potential for additional public art.*

24-0620 Update Presentation on the CIP Planning Process

The Board was requested to receive an update from staff on the CIP Planning Process necessary for upcoming CIP adoption.

The purpose of this update was to:

1. Provide an overview of the CIP Planning Process
2. Review the list of projects for consideration

The Board inquired if the plan for the Animal Shelter provided updated feedback with the Animal Protection Society. Peri Manns, ASLA, LEED GA, Deputy Director of Engineering and Environmental Services, confirmed that feedback was provided to the Sheriff’s Office and Animal Protection Society, and the first step was to conduct a program verification study to reference the old study and confirm the information was up to date.

The Board requested additional information on storage facilities, parking lots and fleet maintenance needed for the Sheriff’s Office and the General Services Department.

Claudia Hager, Acting County Manager, shared that conversations were held regarding activities for growth and maintaining current assets. She stated coordination between the City and the County would continue throughout future projects including the reevaluation of the Boys and Girls Club, however it would take time.

The Board requested a prioritized list of the infrastructure in the CIP projects. Acting County Manager Hager stated a template of priority ranking was submitted; however, staff could come back in November for further discussions.

Keith Lane, Director of Budget and Management Services, confirmed if GO Bonds failed, the County was not prohibited from utilizing Limited Obligation Bonds (LOBs); however, there were other debt instruments that could be used, but would probably be at a higher interest rate.

The Board requested gantt charts for projects currently in process for future presentations. Acting County Manager Hager stated that the interactive link previously shared reflected the budget

information; however, work could be conducted with the Engineering Department to show the timeline and cashflows at a future meeting.

Acting County Manager Hager stated conversations were held regarding the Museum of History Project relocating to the old Durham Social Services (DSS) building; however, due to the cost increase of renovation of the building, it would be up to the Board to decide if they would incur those costs. Commissioner Jacobs added the Museum Working Group were considering funding a test field study at the existing location and the original DSS location for the Museum of History Project.

Directive:

- **Staff to provide additional information on storage facilities, parking lots and fleet maintenance needed for the Sheriff's Office and the General Services Department.**
- **Staff to provide a prioritized list of the infrastructure in the CIP projects.**
- **Staff to provide gantt charts for projects currently in process.**

24-0622 Receive and Discuss a Report and Brief Presentation on the Community Engagement Phase Results of the USDA-Funded Feasibility Study for the Proposed Farm Campus

The Board was requested to receive and discuss a report and brief presentation on the community engagement phase results for the proposed Farm Campus. The community engagement study results were part of a comprehensive process funded by the USDA Urban Agriculture Innovative Production (UAIP) Grant awarded to Durham County Cooperative Extension in 2022 to explore the feasibility of a Farm Campus.

The phasing of the grant and the Farm Campus feasibility study required a presentation of the community engagement results of the study to the BOCC followed by the functional aspects of the full feasibility study at a later date. In January 2024 CoSpero, the contracted consultant, began community engagement work through a historical and contextual analysis followed by a countywide survey targeting aspiring, beginning, and established farmers, food entrepreneurs, and community partners to gather feedback on Farm Campus' components and surface common barriers experienced by farmers and food entrepreneurs.

Donna Rewalt, County Extension Director, confirmed arrangements would be made for the Board to visit the proposed Farm Campus in the fall of 2024.

Discussions were held regarding sources of funding for the study. Ms. Rewalt stated that funding could be affected depending on the 2024 National Elections; however, there was a second phase to the Urban Development Grant Program that could be used for equipment and other items for the Farm Campus.

Ms. Rewalt shared that conversations were held to determine potential names for the proposed Farm Campus and the naming would be more inclusive to the community.

The Board asked if anything would be prohibited from growth and would individuals be allowed to raise items for market. Ms. Rewalt stated the space would be sustainable and she hoped people would be able to develop agricultural businesses.

The Board requested the feasibility study to be presented at the Open Space and Trails Committee meetings.

Directive:

- **Staff to present feasibility study to Open Space and Trails Committee.**

24-0611 Discussion of the Updated Business Recruitment & Expansion Policy

The Board was requested to receive a presentation on Durham County's Business Recruitment Program Policy and provide direction to staff.

The policy was most recently updated in 2020. Since that time, the Business Recruitment Program had been successful, supporting \$2.9 billion in projected investment, 6,000 jobs, new and growing industries, and numerous community partnerships. At the 2023 National Association of Counties (NACo) conference, the program won a national achievement award in economic development.

Matthew Filter, Economic Development Manager, spoke about the changes in retention verse recruitment. He stated staff changed recruitment to expansion because expansion included the companies currently offered in Durham County who were looking to do additional work, i.e. *Eli Lilly, Merck and Corning*. He continued to say retention was tricky unless a company was proposing to start anything new.

The Board suggested amplifying the criteria for the list of jobs and prioritizing the community partnerships and benefits.

Mr. Filter clarified the community partnerships and benefits list would be more formal during public hearings and that companies would make a good faith effort to comply. He continued to say flexibility was allowed in the early years of company developments.

Mr. Filter confirmed that an annual report was presented to the community which provided a list of data on every agreement and investments provided by companies.

24-0623 American Rescue Plan Act Update

The Board 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 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.

Claudia Hager, Acting County Manager, confirmed should a contract or grant be amended after December 31, 2024 – including changes to contract terms, scope of work and budgeted or committed amounts – they would be specific to ARPA fund usage. She added if the Board decided to continue a project with a request for proposal (RFP) to use local dollars to support the project it would not present a problem.

Acting County Manager Hager also shared a framework that was started for the nonprofit funding process.

Closed Session

The Board requested to adjourn into Closed Session for the following:

- 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).
- 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, to discuss the National Opioid Litigation which privilege is hereby acknowledged; pursuant to G. S. 143-318.11(a)(3).
- For two separate matters - 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).

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

The motion carried unanimously.

Reconvene to Open Session

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

Adjournment

Commissioner Carter moved, seconded by Commissioner Jacobs, to adjourn the meeting.

The motion carried unanimously.

The meeting was adjourned at 3:45 p.m.

Respectfully submitted,



Shaunecie Wardrick
Administrative Assistant