

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

Monday, May 6, 2019

9:00 A.M. Worksession

MINUTES

Place: Commissioners' Chambers, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chair Wendy Jacobs and Commissioners Heidi Carter, Brenda Howerton and Ellen Reckhow

Absent: Vice Chair James Hill (excused)

Presider: Chair Wendy Jacobs

Excused Absence

Chair Jacobs announced that Vice Chair Hill was ill and would not be present at the meeting. She asked for a motion to excuse the absence.

Commissioner Reckhow moved, seconded by Commissioner Carter, to excuse Vice Chair James Hill from the meeting due to illness.

The motion carried unanimously.

Citizen Comments

The Board of County Commissioners provided a 30-minute comment period to allow Durham County citizens an opportunity to speak. Citizens were requested to refrain from addressing issues related to personnel matters.

Julie Garrett, Public Affairs Specialist with the U.S. Small Business Administration (SBA) Office of Disaster Assistance, announced that low-interest Economic Injury Disaster Loans (EIDLs) from the SBA were available to small businesses, small agricultural cooperatives, small aquaculture businesses, and private non-profit organizations impacted by the downtown Durham gas leak explosion. SBA customer representatives would be temporarily available at the temporary Business Recovery Center in the Durham Tech Small Business Center located in The Chesterfield building (701 W. Main Street) to answer questions about the disaster loan program and to help individuals complete their applications. Ms. Garrett noted that the Business Recovery Center was set to close on Thursday, May 9th, but the economic injury loan application deadline was on January 30, 2020.

Directives:

- The Clerk's Office to add this announcement to the website.
- General Manager Deborah Craig-Ray to publish a press release with this information and activate the public information council to further help notify people of the low-interest Economic Injury Disaster Loans (EIDLs) from the U.S. Small Business Administration (SBA) Office of Disaster Assistance.

John "Giovanni" Tarantino shared a snippet of his past that he stated was about "restoring dignity."

Jesse Gibson discussed how few people of color were employed at the City-County Planning Department—only four (4) out of 31 total employees—and how urban planning practices, zonings, ordinances, housing codes, imminent domains, redevelopment projects were used to marginalize and disenfranchise people of color. He stated that planning and planners were historically implicit in perpetuating racism. Mr. Gibson advocated for the promotion of diversity by hiring qualified people of color in local city and county planning and zoning departments; this would help ensure social justice and slowing of gentrification in Durham.

Mr. Gibson was requested to provide the Board a copy of his comments so that they could be forwarded to the Planning Director. Mr. Gibson agreed to provide them in email format. Commissioner Howerton stated that she inquired about which positions the four (4) Planning Department employees held and was awaiting a response.

Consent Agenda

The Board was requested to review Consent Agenda items for the March Regular Session meetings. The following consent agenda items were reviewed:

19-0168 Slater Road Pump Station Construction Work Contract Amendment

Staff provided clarification regarding the project's inclusion in the CIP stating it was an upgrade to an older system, not an expansion.

19-0185 Budget Ordinance Amendment No. 19BCC00051 Appropriating Lebanon Fire Tax District Fund Fund Balance (\$37,076), and Transferring to the General Fund for Personnel Costs Related to Implementation of the Classification and Compensation Study

Jodi Miller, General Manager, explained that the \$37,076 covered the 2.5% compensation increase that was not budgeted in Lebanon's budget for reimbursement. The amount was to cover the current fiscal year and it would be built into future budgets.

19-0202 Capital Project Amendment No. 19CPA000017 - Move Funds from the Collection System Rehabilitation Capital Project SE051 to the Stirrup Iron Creek Lift Station Capacity Improvements Capital Project SE056 in the amount of \$123,429 and Contract Amendment for Carolina Civilworks, Inc.

Staff confirmed that this tied into the Triangle Wastewater Treatment Plant.

19-0204 Capital Project Amendment 19CPA000018 to Increase the Detention Center Elevator Project Funding by \$500,000 to Facilitate ATS Replacement and Associated HVAC Upgrades

Shawn Swiatocha, Assistant Director of General Services, explained why the cost related to this item was almost double what the original funding was.

19-0208 Approval of the City of Durham and County of Durham Housing Opportunities for Persons with Aids (HOPWA) Sub-Grant Agreement

Directive: Staff to provide the Board with clarification on the following before Monday, May 13, 2019:

- What the program was
- How much the grant was
- Why it was brought to the Board four (4) months into the grant year (January 1, 2019 - December 31, 2019)
- Details regarding the process and how it functioned with the City
- Whether Durham County caseworkers were providing case management to other county residents—the grant was awarded to Durham and three (3) other counties.

19-0211 Capital Project Amendment No. 19CPA000019- Moving 2016 General Obligation Bond Funds Between Multiple Durham Public School Capital Projects and Closing Three Bond Funded Capital Projects

Staff addressed the timing of Northern High School's track renovation and its complete rebuild. At the time, Northern High School's track was in disrepair and the new Northern High School was not estimated to be completed until 2023.

19-0216 Restaurant Lease for Admin Building II, Suite 140

The Board recognized the real estate staff that worked on this and suggested that they encourage the restaurant to fully utilize the patio area.

19-0219 Durham County Juvenile Crime Prevention Council Local Funding Recommendation FY 2019-2020

The Board raised concerns regarding the Juvenile Crime Prevention Council's (JCPC) recommendation to decrease funding for El Futuro—nonprofit outpatient clinic that provided comprehensive mental health and substance use services for Latino families in a bilingual environment—and cease funding for Rebound, a community-based alternative to suspension program.

Drew Cummings, Chief of Staff, explained the reasoning behind the JCPC's Recommendation and confirmed that the Board had the authority to change the JCPC's recommendation—although several Commissioners voiced their disagreement with changing the recommendation. The Board encouraged the JCPC to consider funding organizations that worked to prevent juvenile crime, especially those that performed well in that task such as El Futuro and Rebound.

Directive: Deborah Craig-Ray to raise the issue, via the legislative agenda, that the funding for the JCPC had been a flat \$536,000 for many years despite population growth and law changes—e.g. the Juvenile Justice Reinvestment Act.

19-0221 Capital Project Amendment No. 19CPA000020 - Move Funds from the Ongoing Roof Replacement Project 4190DC073 to the (L) Convenience Center Site Upgrades 4190DC079 in the amount of \$200,000

Mr. Swiatocha clarified that this item was not for upgrades to the old facility, but for the land purchase for the new Convenience Center.

19-0227 Approval of the July - December 2019 Board of County Commissioners' Meeting Calendar

Commissioner Carter reiterated that she felt the Board needed another Work Session.

County Manager Wendell Davis and Chair Jacobs discussed a directive given during the Monday, December 3, 2018 Work Session in which the County Manager was requested to work with the Clerk's Office on an analysis on how changes could affect schedules and return to the Board with a proposal at the January 2019 Work Session. The County Manager stated that at the last discussion the Board held it was agreed to not pursue it further.

Commissioner Reckhow wanted to note that she and Chair Jacobs were attending a conference on Monday, September 9th and would need a vote for an excused absence during the Monday, May 13th meeting.

There were no comments made for the items below:

19-0177 Budget Ordinance Amendment No. 19BCC000054 - Approving a Hazardous Materials Emergency Preparedness (HMEP) Grant from the State of North Carolina Division of Emergency Management (NCEM)

19-0180 Budget Ordinance Amendment No. 19BCC000055 - Approval of Local Emergency Planning Committee (LEPC) Grant reimbursement from the State of North Carolina, Department of Public Safety

19-0182 Laboratory Services for the Utilities Division

19-0184 Budget Ordinance Amendment No. 19BCC00050 Appropriating Parkwood Fire Tax District Fund Fund Balance (\$156) and Durham County Fire and Rescue Service District Fund Fund Balance (\$299,844) and transferring \$300,000 to the General Fund to Support Replacing of Driveways at Two Former Parkwood Fire Stations. General Fund Fund Balance Appropriation will be Reduced by \$300,000

19-0199 Utilities Division Biosolids Contract Amendment with McGill Environmental Systems, Inc.

19-0200 Utilities Division Polymer Contract Amendment with Polydyne, Inc.

19-0212 Budget Ordinance Amendment 19BCC000053 for the Department of Social Services - Recognize Subsidized Child Care Services Support Revenue of \$166,545 and Family Reunification Revenue of \$33,857

19-0217 Lease Agreement with the State of North Carolina Department of Agriculture & Consumer Services (Forest Service)

19-0218 Conservation Easement Amendment for the Van Ellis Farm

Discussion Items

19-0224 City-County Strategic Youth Initiative Update

Lara Khalil, City-County Youth Initiatives Manager provided the Board with an update on the City-County Strategic Youth Initiative. In 2017 the City and the County jointly created a new Youth Initiatives Manager position to promote alignment among youth serving programs supported by the City and County of Durham for youth ages 5 to 24.

Since December 2017 when Ms. Khalil was hired, the Office on Youth has endeavored to carry out the work of the strategic youth initiative and build a foundation for success. Priority activities during the period have included connecting with hundreds of stakeholders, mapping/examining relationships in the youth services ecosystem, initiating a strategic planning process for the office, conducting best practices research on related work, creating a large and growing youth engagement network of service providers, and developing a vision for a youth listening project. The purpose of the youth listening project was to understand how local government could better engage and communicate with youth and their families.

The Board reiterated their request for a youth-oriented website, why it would be useful, and what resources it could include. High school students could be tasked with creating the website through an internship and it could be put on the Network of Care website. Ms. Khalil described how the Youth Listening Project (YLP) would help investigate why youth were disconnected, why they did not participate in available resources/programs, which channels were the best to reach disconnected youth, and how resources could be made more accessible. The YLP would engage youth, caregivers and service providers to create an action plan, developed by youth and adults, that offered solutions for how to address needs and gaps and was responsive to the experiences shared during the YLP. Ms. Khalil was attempting to be strategic in terms of resource allocation and did not want to create solutions, i.e. a website, before the YLP identified the appropriate solutions. Chair Jacobs noted that when the Board agreed to contribute their portion for the City-County Youth Initiatives Manager position, the Board explicitly prioritized housing youth-centered resources in a youth-oriented website.

Ms. Khalil discussed how she collaborated and interacted with MBK Durham, the Department of Social Services, and the Library.

Directives:

- **Staff to include a link to the Durham County Network of Care on the Durham County website.**
- **Alliance Health to update the youth resources in the Network of Care.**
- **Lara Khalil to contact Debra Duncan, Community Support Liaison at Alliance Health, to help provide current information regarding youth resources to accurately update the Network of Care.**

19-0187 Approval of Fourth Amendment to the Management Agreement for the Durham Convention Center

The Board was requested to receive information on the proposed fourth amendment to the management agreement for the Durham Convention Center and, if appropriate, to approve it and authorize the County Manager to execute it.

Durham County and the City of Durham jointly owned the Durham Convention Center which opened in the late 1980s. The facility and the attached Durham Marriott City Center were managed by The Shaner Corporation—the Shaner Corporation owned the Durham Marriott City Center. In FY10-11, the City and County decided to bid out management of the Convention Center, and in February 2011 entered into their first management agreement with Global Spectrum (now doing business as Spectra).

The agreement was extended twice. Spectra's performance transformed the Convention Center from being a facility which regularly required over \$1 million per year in subsidy to a facility which lost very little money at all—and the Convention Center actually made money in FY17-18. Based on this performance and other elements incorporated into the proposed amendment, City and County staff presented a proposed 10-year extension of the management agreement. The proposed agreement included a full management review after the first five (5) years.

Bill Kalkhof, Chair of the Durham Convention Center Authority, and Rebecca Bolton, General Manager of the Durham Convention Center, went over the contract details and why the Authority and Convention Center were in favor of this amendment.

Directives:

- **Staff to fix a format typo in the third page of the contract: there were two (2) number fours (4) in the list of amendments.**
- **Mr. Cummings to forward the Board information regarding how many people the Durham Convention Center employed and the salary range.**
- **Rebecca Bolton to provide the Board with quarterly reports or assessments with data regarding economic impact, usage, number and types of meetings/events occurring in the Durham Convention Center.**
- **Rebecca Bolton to provide the Board with an annual Durham Convention Center report that was scheduled to be distributed sometime in August.**

19-0234 Discussion of Proposed Purchase of New Site for Northern High School

Fred Jernigan, Durham Public Schools (DPS) Senior Project Manager, stated that DPS identified a site they wanted to purchase for the construction of a new Northern High School and sought the approval of the Board to do so as required by North Carolina State Statute § 115C-426. The estimated project total was \$91.978 million.

The Board encouraged DPS to reach out to the City's Durham Parks and Recreation to inquire about sharing the future Northern High School stadium because it presented a potential for joint funding and collaboration. Another suggestion was for the new Northern High School to use the nearby Durham County Memorial Stadium instead of constructing their own; it would save money and reduce environmental impact.

The Board encouraged DPS to consider the possibility of creating bicycle and pedestrian paths and optimizing accessibility for families (and the community if the fields were made a community resource) in terms of bus stops and sidewalks. The Board requested a timeline of the project, it would help the County fund this without a bond referendum. The Board also hoped that DPS would perform due diligence by thoroughly inspecting the site conditions as well as having the City-County Planning Department evaluate the site (before applying for it) to ensure

that all the criteria for the special use permit was satisfied. There was some mention about the possibility of using the old Northern site as teacher housing in the future.

Mr. Jernigan confirmed that the Board of Education approved the negotiated purchase price for 4804 N. Roxboro Street (57.15 Acres) at \$2,565,000 and for 4622 N. Roxboro Street (19.37 acres) at \$716,690—a total of \$3,281,690.

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

The motion carried unanimously.

Commissioner Carter moved, seconded by Commissioner Howerton, to approve the purchase of the land for a new Northern High School under the same conditions that the School Board made the approval.

The motion carried unanimously.

Directive: DPS to provide the Board with a timeline of the Northern High School construction project as it would help the County fund it without a bond referendum.

19-0233 Discussion of Resolution in Support of NC's Working People and their Families

The Board was requested to review the Resolution in Support of North Carolina's Working People and their Families for discussion and possible adoption. After review and possible additions, a final version of this resolution would be prepared by staff and placed on the May 13th Regular Session agenda for the Board's approval.

The Board discussed the County's compensation study for County employees and agreed that this resolution did not override or affect it in any way.

Directive: Staff to edit the resolution to include the following wording:

- **“Legislation raising the minimum wage for all workers and a minimum of \$15 per hour for all state employees”**
- **“Legislation that expands Medicaid coverage”**
- **“WHEREAS, Durham County Government provides strong support for its employees including...”**

19-0235 Revision to the Procedures for Citizen Appointments

Based on the Board's discussion during the March 25, 2019 Regular Session meeting as well as a departmental review of the Procedures for Citizen Appointments, staff recommended the inclusion of wording regarding partial and full terms and a voting rule (added text is underlined):

“10. When vacancies and positions appointed pursuant to this policy occur prior to the expiration of the term of office, the Board of County Commissioners shall appoint a person to serve the remainder of the term. If the remainder of the term is one year or less, it shall be counted as a partial term. If the remainder of the term is more than one year, it shall be counted as a full term.

11. An applicant must receive three (3) or more Board votes (a majority) to be appointed to a board, commission or committee. If an applicant does not receive a majority vote during the Regular Session meeting, the Board will re-vote until a majority vote is received.”

There was some discussion regarding the County Attorney informing the Board which appointees had tied.

19-0140 Review of BOCC Directives

Board directives from previous meetings and staff follow-up were reviewed. Staff strived to have all directives inputted into the system accurately and soon after they were issued and to follow-up with the Board and/or with other relevant parties in an appropriate time frame.

The Board expressed concerns about directives not being completed or followed-up with. Some such directives included the Innovation Lab looking at foster care as well as finalizing the Alcohol Policy, Drone Policy, Economic Development Policy, and the Surplus Property Policy. It was also noted that at the Monday, January 28th Regular Session meeting, the City-County Planning Department staff committed to explore impacts on housing affordability related to MPO historic districts and present their findings at a Joint City County Committee meeting in March or April 2019—this had not occurred.

Closed Session

19-0198 Closed Session

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

- To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations pursuant to G.S. 143-318.11(a)(4)
- 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, which privilege is hereby acknowledged, pursuant to G.S. 143- 318.11(a)(3)
Commissioner Reckhow moved, seconded by Commissioner Carter, to move into closed session

The motion carried unanimously.

Reconvene from Closed Session

The Chair announced that the Board met in Closed Session and direction was given to staff.

Adjournment

Commissioner Reckhow moved, seconded by Commissioner Carter, that the meeting be adjourned.

The motion carried unanimously.

The meeting adjourned at 2:06 p.m.

Respectfully submitted,



Tania De Los Santos
Administrative Assistant