



Durham County

200 E. Main Street
Durham, NC 27701
(919) 560-0025

Meeting Agenda Board of County Commissioners

Monday, March 27, 2023

7:00 PM

Commissioners' Chambers

Regular Session

"Public Charge"

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

7:00 pm Regular Session

1. Opening of Regular Session - Pledge of Allegiance (5 min)

2. Other Business (60 min)

[23-0210](#) 2023 State of the County Address (60min)

Agenda Text: The Board is requested to receive the 2023 State of the County Address from Chair Brenda Howerton.

Alignment with Strategic Plan: The State of the County Address aligns with all of the County's Five Goals.

Resource Persons: Brenda Howerton, Chair, Durham Board of Commissioners.

County Manager's Recommendation: The County Manager recommends that the Board receive the annual State of the County Address.

3. Agenda Adjustments (5 min)

4. Announcements (5 min)

[23-0217](#) Announcements (5min)

Agenda Text:

1. Apply for Summer Internships, Management Internships & Fellowships with DCo! - Durham County Government is looking for

Durham County teenagers, college students and recent graduates of our local universities to apply for summer internships, management internships and management fellowships! Get your local government career off to a fantastic start by joining us! Learn more, get eligibility information & apply at

<https://www.dconc.gov/county-departments/departments-f-z/internship-programs>.

2. **DCoDPH COVID-19 Vaccine Clinic Hours** - The COVID-19 Vaccination Clinic at the Durham County Department of Public Health is now open for your walk-in vaccination doses on Mondays, Wednesdays and Fridays from 9 a.m. to 4 p.m. (Closed 12-1 p.m.) The clinic is closed on Tuesdays, Thursdays and weekends. Visit www.dcopublichealth.org/COVIDVaccines <http://www.dcopublichealth.org/COVIDVaccines> for more information.
3. **Master Gardener Plant Festival on April 1** - Spend the morning with Durham County Cooperative Extension's Master Gardener volunteers and community partners learning about all things plants, and the first 200 attendees can choose a free plant to take home at the Master Gardener Plant Festival on Saturday, April 1 from 10 a.m. to 12 p.m. at 721 Foster Street! You can also get a preview of some of the plants that will be offered for purchase at the following week's spring plant sale! Learn more here: <https://durham.ces.ncsu.edu/2023/03/learn-with-us-at-the-plant-festival/>.
4. **Football, Frisbee, Festivals and More at Durham County Memorial Stadium** - Did you know that the Durham County Memorial Stadium hosts a variety of athletic and community events each month? In April, there are ultimate frisbee, men's and women's soccer, track and field, North Carolina Central and Shaw University Spring Football Games, the Little River Community Complex Fair, Special Olympics and more! See the calendar here: <https://www.dconc.gov/residents/event-calendar/-fsiteid-1/-seldept-38>.
5. **Public Feedback Needed for Sewer System Development Fees Analysis** - The public is invited to provide their input regarding upfront sewer system development fees (SDFs) for Durham County customers tributary to the Triangle Wastewater Treatment Plant. Residents may submit public comment to utilities@dconc.gov <mailto:utilities@dconc.gov> and include "System Development Fee Analysis" in the subject line. Read a draft copy of SDF analysis here: <https://www.dconc.gov/home/showpublisheddocument/38614>. More information here:

<https://www.dconc.gov/county-departments/departments-a-e/engineering-and-environmental-services/utilities-division/fee-schedule/2022-draft-sdf-analysis>.

6. 3rd Annual Library Fest is Coming in April - Durham County Library and the Durham Library Foundation will host the third annual Library Fest: The Storytelling Edition from Monday, April 24 to Sunday, April 29. The library is excited to feature headliners including Terry McMillan, Jeghetto, Chef Sean Sherman, and Sheila Turnage. All programs are free, but some require registration. Visit the Durham County Library events calendar for information at: <https://durhamcountylibrary.libcal.com/> and search for “Library Fest.”

5. Minutes (5 min)

23-0218

Minutes (5min)

Attachments:

[March 6, 2023 Work Session](#)

[March 13, 2023 Regular Session](#)

6. Ceremonial Items (10 min)

23-0234

Resolution - In Support of School Meals for All in North Carolina (10min)

Agenda Text:

The Board is requested to approve the Resolution in Support for School Meals for All in North Carolina.

Alignment With Strategic Plan: This item aligns with Strategic Goal - Community Well-Being

Resource Persons: Heidi Carter, Commissioner

County Manager’s Recommendation: The County Manager recommends that the Board adopt the Resolution in Support for School Meals for All in North Carolina.

Attachments:

[Resolution - Support of School Meals for All in NC - 27March23](#)

7. Consent Agenda (15 min)

23-0131

Budget Ordinance Amendment No. 23BCC00074 Public Health to appropriate \$12,503.33 in General Fund fund balance to Refund the Division of Social Services, North Carolina Department of Health and Human Services for Unspent Grant funds by Durham’s Innovative Nutrition Education (DINE) Program

Agenda Text:

The Board is requested to approve Budget Ordinance Amendment No. 23BCC00074 Public Health to appropriate \$12,503.33 in General Fund fund balance to Refund the Division of Social Services, North Carolina Department of Health and Human Services for Unspent Grant funds by Durham’s Innovative

Nutrition Education (DINE) Program

The DINE program use to send print newsletters to all Durham County SNAP participants. A postal account was set up to cover the postage of these newsletters. Grant funds covered the funds needed in the postal account and the account was prepaid each year. Updated SNAP guidance required additional participant consent for receiving the print newsletters, so the newsletters were converted to a pilot e-newsletter format. The postal account was not closed at the time since there was the possibility of returning to print newsletters and it could also be used for other mailings such as customer satisfaction surveys. The e-newsletters have proven to be successful, so the postal account is no longer needed and the remaining funds in the account were refunded to the Durham County Department of Public Health (DCoDPH).

DCoDPH requested to retain the refunded amount to use for operational costs for implementing the DINE program but was told by the grant administrators that the funds needed to be returned to the Division of Social Services, North Carolina Department of Health and Human Services.

The Board of Health has approved this amendment.

Please note that this amendment requires no additional County funds, grant funds were refunded to DCoDPH in FY 2021-22 and fell to fund balance at the end of FY 2021-22. General Fund fund balance is being appropriated to ensure Durham County can refund NCDHHS.

Alignment with Strategic Plan: This program aligns with Strategic Goal 2: Health and Well-being for All.

Resource Persons: Rodney E. Jenkins, MHA, Public Health Director

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Ordinance Amendment No. 23BCC00074 Public Health to appropriate \$12,503.33 in General Fund fund balance to Refund the Division of Social Services, North Carolina Department of Health and Human Services for Unspent Grant funds by Durham's Innovative Nutrition Education (DINE) Program

Attachments: [AAF-074 Legal Form](#)

23-0195

Environmental Affairs Board 2022 Annual Report

Agenda Text: The Board is requested to receive the Environmental Affairs Board 2022 Annual Report.

Alignment with Strategic Plan: This request aligns with Strategic Plan Goal #4 (Environmental Stewardship and Community Prosperity) and Goal #5 (Accountable, Efficient and Visionary Government)

Resource Persons: Tobin L. Freid, Sustainability Manager; Juilee Malavade, Environmental Affairs Board Chair

County Manager's Recommendation: The County Manager recommends that the Board receive the Environmental Affairs Board 2022 Annual Report

Attachments: [Durham Environmental Affairs Board 2022 Annual Report](#)

23-0199

Letter of Reimbursement Agreement Between the State of North Carolina Department of Adult Correction and Durham County for Lease Space Located at 3325 Chapel Hill Blvd., Durham, NC

Agenda Text:

The Board is requested to approve the Letter of Reimbursement Agreement between the State of North Carolina Department of Adult Correction and Durham County for lease space located at 3325 Chapel Hill Blvd., and to authorize the County Manager to execute all related documents required to affect this approval.

Per NCGS 15-209 - Accommodations for Probation Offices, Durham County is required to provide office space for the Department of Adult Correction (DAC) in or near the County Courthouse, or in the event space is not available, to reimburse the State for the expense of leasing space for adult probation staff. There is no County-owned space available in the Durham County Courthouse, or in any other County building adequate and appropriate for this use. The NC DAC has leased space at 3325 Chapel Hill Blvd. for at least 15 years and has negotiated a new 5-year lease at this location which is scheduled to begin on April 1, 2023. The lease rate in the initial year of this lease is 6.5% higher than the previous lease and increases by 3% every year thereafter. The rent table in the new lease agreement which is included as an Attachment to this item. The agreement requires NCDAC to submit a monthly invoice to Durham County for reimbursement.

Alignment with Strategic Plan: This agenda item supports Goal 5: Accountable, Efficient and Visionary Government.

Resource Persons: Nancy Mitchell, Sr. Real Estate Officer; Peri Manns, Deputy Director of Engineering and Environmental Services.

County Manager's Recommendation: The County Manager recommends that the Board approve the Letter of Reimbursement Agreement between the State of North Carolina Department of Adult Correction and Durham County for lease space located at 3325 Chapel Hill Blvd., and to authorize the County Manager to execute all related documents required to affect this approval.

Attachments: [Final Durham Lease Reimbursement Letter_DAC 02282023 \(002\)](#)
[NCGS 15-209](#)

23-0211

Budget Ordinance Amendment No. 23BCC00079 General Services to Recognize Insurance Reimbursement Revenue of \$167,758.02 for Water Intrusion at the Durham County Courthouse

Agenda Text: The Board is requested to approve Budget Ordinance Amendment No. 23BCC00079 General Services to recognize insurance reimbursement revenue of \$167,758.02 for Water Intrusion at the Durham County Courthouse.

Durham County has insurance coverage with Liberty Mutual Fire Insurance Company (policy number YU2-Z51-292644-012) that covers unexpected catastrophic water damage to County owned buildings. This is a reimbursement under that policy regarding Liberty Mutual's assessed claimed costs associated with the pipe connection failure over the winter holidays on December 26, 2022.

The reimbursement revenue will be added to the General Services FY 2022-23 budget to recuperate costs associated with the emergency pipe failure.

Alignment with Strategic Plan: Goal 5: Accountable, Efficient, and Visionary Government. Established processes and fiscal accountability regarding insurance reimbursements to affected County Departments is consistent with current policy.

Resource Persons: Motiryo Keambiroiro, Director of General Services, Shawn Swiatocha, Assistant Director, General Services.

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Ordinance Amendment No. 23BCC00079 General Services to recognize insurance reimbursement revenue of \$167,758.02 for Water Intrusion at the Durham County Courthouse.

Attachments: [AAF Supplemental Document - Insurance Courthouse](#)

[Liberty Mutual DCo CH Letter](#)

[Check](#)

[AAF -79 Legal Form GS to recognize \\$167,758 in Insurance Reimb Revenue fo](#)

23-0221

Fiscal Year 2023 Audit Contract

Agenda Text: The Board is requested to approve the attached audit contract for the fiscal year 2023 financial and single audit with the audit firm, Cherry Bekaert, LLP.

The annual financial and single audit is required by state statute, G.S. 159-34(a). The attached contract is the standard contract required by the Local Government Commission (LGC) of the State Treasurer's office for governmental units, LGC-205.

Alignment with Strategic Plan: Goal 5: Accountable, Efficient and Visionary Government

Resource Persons: Susan Tezai, Chief Financial Officer, and Crystally Wright, Deputy Chief Financial Officer

County Manager's Recommendation: The County Manager recommends that the Board approve the audit contract for the fiscal year 2023 annual financial and single audit.

Attachments: [Durham County 6-30-23 Audit LGC Contract](#)

8. Board and Commission Appointments (10 min)

[23-0215](#) **Board and Commission Appointments (10min)**

Agenda Text: Monica Wallace, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards:

- Boxing and Wrestling Commission
- City-County Appearance Commission
- Durham County Women's Commission
- Memorial Stadium Authority
- Raleigh-Durham Airport Authority

The Board of Commissioners recognizes the need to have a representative sample of the citizens of Durham County serve on boards, commissions, committees, and authorities. No citizen may serve more than four consecutive terms for 2-year term boards; three consecutive terms for 3-year term boards; two consecutive terms for 4-year term boards; and one consecutive term for 5 and 6-year term boards in any one position, unless otherwise stated by statute; or there are no other applicants who meet the eligibility requirements. The Equalization and Review Board shall be exempt from these term limits.

Alignment with Strategic Plan: This item aligns with Goal 5 Accountable, Efficient and Visionary Government. When citizens are engaged and partners on our Boards and Commissions, the vision of our Strategic Plan is achieved - a thriving, vibrant diverse community with abundant opportunity for all residents to live, work, learn, play and grow.

Resource Persons: Monica Wallace, Clerk to the Board

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners vote to appoint members to the aforementioned Boards and Commissions.

Attachments: [Legistar Attmt - 3.27.2023](#)

9. Items Pulled from the Consent Agenda (20 min)

10. Closed Session

[23-0207](#) **Closed Session**

Agenda Text: The Board is 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 in the matter of Hermena Miles Bumpass, as Administratrix of the Estate of J'Mauri Jysha Bumpass and in her individual capacity, and Jerry Jerome Bumpass, Jr. in his individual capacity v. Clarence F. Birkhead, et. al., which privilege is hereby acknowledged. (G.S.143-318.11(a)(3))

Alignment with Strategic Plan: This item aligns with Strategic Goal 5

Resource Persons: Al Andrews, County Attorney

County Manager's Recommendation: The County Manager recommends that the Board adjourn into Closed Session and provide direction to staff.

11. Adjournment