

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

Monday, November 4, 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, Commissioners Heidi Carter,
Brenda Howerton, and Wendy Jacobs

Presider: Chair Nida Allam

Zoom Hybrid
Participants: 5

Closed Session

The Board requested to adjourn to 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).

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

The motion carried unanimously.

Reconvene to Open Session

Chair Allam announced that the Board met in closed session and agreed to enter into a contract with Interim County Manager Claudia Hager appointing her to the permanent County Manager position effective immediately.

Commissioner Jacobs moved, seconded by Vice-Chair Burns, to enter into a contract with Interim County Manager Claudia Hager appointing her to the permanent County Manager position effective immediately.

The motion carried unanimously.

Chair Allam was excused from the meeting at 9:29 AM due to job obligations. Vice-Chair Burns presided over the remainder of the meeting.

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, November 3rd at 12 noon.

Ideal Ortiz spoke on Commissioner Howerton's role on the GoTriangle Board of Trustees (BOT). She stated that Commissioner Howerton was currently the Chair of the BOT and it was really important for Durham to think about its balance of power and representation in the bodies that impacted the work of transit in the County. She felt it was important for Durham County taxpayers to know that the Chair position would be transferred to Raleigh Mayor, Mary-Ann Baldwin. Ms. Ortiz noted it was a very delicate balance of power and Raleigh was letting Mayor Baldwin stay on the BOT even though her term as Mayor would expire within the year.

Commissioner Howerton wanted to make it clear to Durham County residents that if her position were to end as Chair on the BOT, Durham County would not be able to hold the Chair position on the BOT until after four years. Commissioner Howerton noted that it was not unprecedented to keep an outgoing Commissioner on the BOT. She added that Wake County and Orange County chose to keep outgoing commissioners on the BOT in the past.

Consent Agenda

The Board reviewed the following Consent Agenda items for the November 12, 2024, Regular Session meeting.

24-0637 BOCC Review of 2024 Edward Byrne Memorial Justice Assistance Grant (JAG) Application

24-0644 Approval to Enter into a Contract with NWN for \$313,288.87 to Renew Support for Cisco Network and Security Equipment.

24-0645 Capital Project Amendment No.25CPA022 Appropriating \$16,555,735 of Limited Obligation Bond (LOBs) Funding to the Durham County Sheriff's Training Facility Capital Project (4310DC091); and Authorizing the Execution of the Construction Manager At-Risk Guaranteed Maximum Price Contract with CT Wilson Construction for the Construction of the Sheriff's Training Facility at a Total Amount Not-To-Exceed \$15,929,463 (Base Bid, Alternates, Plus Owner Contingency)

24-0649 Budget Ordinance Amendment 25BCC033 to Recognize \$125,981 in Year 3 Funding to the Office of Emergency Services - Emergency Medical Services (OES EMS) from the North Carolina Department of Health and Human Services (NCDHHS), Division of Mental Health, Developmental Disabilities and Substance Abuse Services (MHDDSAS), and to Authorize the County Manager or Appropriate Designee to Sign and Execute All Related Documents, Contracts, and Purchases for Authorized and Approved Uses Associated With the Grant Program Throughout the Grant's Period of Performance.

24-0652 Approve Renewal of the Hollow Rock Nature Park Interlocal Agreement and Management Plan

24-0654 Budget Ordinance Amendment No. 25BCC038 Public Health to Recognize \$230,000 from NC Department of Health and Human Services Division of Child and Family Well-Being for Evidence-Based Behavioral Health Interventions

24-0655 Budget Ordinance Amendment No. 25BCC039 Public Health to Recognize \$120,000 from the NC DHHS Division of Child and Family Wellbeing, Whole Child Health Section, School, Adolescent and Child Health Unit to Maintain a Strong and Inclusive School Health Team

24-0656 Budget Ordinance Amendment No. 25BCC036 Public Health to Recognize \$8,000 from North Carolina Public Health Association's Dr. Ann Wolfe Mini Grant Award.

24-0657 Budget Ordinance Amendment No. 25BCC037 Public Health to Recognize \$1,000 from the North Carolina Public Health Association (NCPHA) for winning the Dr. Sarah Taylor Morrow Large Health Department of the Year for 2024 Award

24-0668 Approval of Contract Award to Kimley-Horn Associates, Inc. for Engineering Design Services of Lift Station Flow Meters for the Utilities Division in the Amount of \$107,700.00 with a Not to Exceed Amount of \$124,000.00

24-0669 Approval of Contract Award to Rummel, Klepper, & Kahl, LLP (RK&K) for Engineering Services for Wexford Sewer Improvements for the Utilities Division in the Amount of \$188,786.00 with a Not to Exceed Amount of \$215,000.00

24-0682 Budget Ordinance Amendment No. 25BCC041 for the Department of Social Services to recognize Emergency Placement funding of \$75,919.00 for Children in Agency Custody

24-0687 Approval of Capital Project Amendment No.25CPA019 and Budget Ordinance Amendment No. 25BCC043 Appropriating \$4,021,221.00 from the Sewer Utility Enterprise Fund Fund Balance and Transferring the Funding to the Page Park Lift Station Capital Project (SE065) for a New Total Project Budget of \$4,236,671.00; as well as Authorizing the County Manager to Execute a Design-Build Contract Amendment with Crowder Construction Company for the Guaranteed Maximum Price (GMP) in the Amount of \$3,904,221.00 and Allowed Construction Contingency of 3% (\$117,000) to Execute Any Other Related Contracts, Including Change Orders, Not to Exceed the Available Budget of \$4,021,221.00 for the Design-Build GMP

24-0688 Approval of Capital Project Amendment No. 25CPA020 and Budget Ordinance Amendment No.25BCC044 Appropriating \$12,349,654 of Sewer Utility Enterprise Fund Fund Balance and Transferring the Funding to the Slater Road Lift Station, Force Main, and Outfall Capital Project (SE066), Transferring \$8,303,330 of Budgeted ARPA Funding to the Slater Road Capital Project for a New Total Project Budget of \$22,349,654.00; as well as Authorizing the County Manager to Execute a Design-Build Contract Amendment with Crowder Construction Company for the Guaranteed Maximum Price (GMP) in the Amount of \$20,052,984.00 and Allowed Construction Contingency of 3% (\$600,000) to Execute any Other Related Contracts, Including Change Orders, Not to Exceed the Available Budget of \$20,652,984.00 for the Design-Build GMP.

24-0692 Approve Request for Consent of Access to the North Carolina Department of Environmental Quality to allow its Division of Waste Management and Contractors Access to the 721 Foster Street Site

24-0693 Approval of Capital Project Amendment No.25CPA021 and Budget Ordinance Amendment No.25BCC045 Appropriating \$1,000,000 of Debt Service Fund Fund Balance,

Transferring the Funding to the PAYGO Fund for the New Seaton Road Fleet Maintenance Facility Capital Project (4730DC164); as well as Execution of a Contract for Architectural Design Services with HH Architecture for the Seaton Road Maintenance Facility Project

24-0698 Request for approval of a Resolution authorizing and approving the levy of an additional two dollars (\$2.00) of the motor vehicle registration tax by the Research Triangle Regional Public Transportation Authority (dba “GoTriangle”) as authorized by North Carolina General Statute §105-561.

Discussion Items

24-0685 Suspend the Rules and Authorize the Chair to Sign the Certification and Approval Form for the Durham-to-Roxboro Rail Trail Great Trails State Program Grant Application

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

The motion carried unanimously.

Commissioner Jacobs moved, seconded by Commissioner Carter to authorize Chair Nida Allam to sign the Certification and Approval Form for the Durham-to-Roxboro Rail Trail Great Trails State Program Grant Application

The motion carried unanimously.

24-0709 Appoint Voting Delegate - North Carolina Association of County Commissioners (NCACC) Legislative Goals Conference

The Board was requested to suspend the rules and vote to appoint Vice Chair Nimasheena Burns as the voting delegate and Commissioner Wendy Jacobs as the alternate for the NCACC Legislative Goals Conference. The conference was held at the Raleigh Marriott Crabtree Valley in Raleigh, NC on November 14 - 15, 2024.

Commissioner Carter moved, seconded by Commissioner Jacobs to appoint Vice-Chair Nimasheena Burns as the voting delegate and Commissioner Wendy Jacobs as the voting alternate for the NCACC Annual Conference.

The motion carried unanimously

24-0614 Presentation on the Sustainable Decision-Making Framework by the City-County Environmental Affairs Board (EAB)

Jennifer Carrigan, Chair, Durham City-County Environmental Affairs Board, presented information on the proposal for Durham’s Sustainable Decision-making Framework. The purpose of the Sustainable Decision-making Framework was to support Durham’s elected officials in evaluating the environmental implications of a proposed action, policy, or project and to ensure the decisions aligned with and helped progress the City’s sustainability goals.

Ms. Carrigan described the Framework which used a four-question tool (listed below) as well as existing information and staff’s own additional expertise and interpretation. The proposal for this

version of the framework would apply to private development decisions and focus on rezoning and annexations.

1. Does this action decrease or increase greenhouse gas emissions now or in the future?
2. Who benefits from this action and who is disproportionately impacted?
 - a. Will this action further entrench any existing unjust environmental issues or systems?
3. How will this action influence:
 - a) water quality
 - b) air quality
 - c) heat islands or their effects
 - d) flooding
 - e) habitat fragmentation
 - f) biodiversity
 - g) Include a summary of the environmental impacts.
4. Will this action impact ecologically sensitive or valuable natural areas or land adjacent to those areas?

Directives:

- **Get input from County Departments and staff, especially regarding performance measures.**
- **Expand the scope to include transit/transportation.**
- **Focus on rezonings not consistent with the future Place Type Map.**
- **Tie it back to people and their health and wellbeing.**

24-0556 Alliance Health Update

The Board received an update from Alliance Health.

Kelly Goodfellow, Chief Executive Officer, Alliance Health, presented a funding proposal broken down into three categories: (1) one-time County funding using leftover funds to make one-time investments in the community; (2) one-time County/ongoing funding by Alliance using leftover funds to make one-time investments in the community; and (3) using ongoing County funds by shifting current expenses to State dollars, therefore County funding becomes available for new investments.

Sean Schreiber, Chief Operating Officer, Alliance Health, presented the funding proposal projects.

The funding proposal projects included the following:

- Virtual Teen Peer Support
 - Provides unlimited text and virtual peer support by Certified young adult Peer Support Specialists
- Support for Latino/Hispanic Services
 - Direct, culturally and linguistically competent treatment services and related expenses for un and under-insured adults, young adults and adolescents
 - Case Management, wrap-around and community engagement

- Mental Health prevention and promotion through therapeutic greenspace created at El Futuro's Durham location
- Enhance integrated care at the Durham Recovery Response Center (DRRC)
 - Increase hours of coverage
 - Enhance connection to ongoing medical care
- School-based Care Coordination
 - Create dedicated team to support students with behavioral health needs that require services beyond school-based therapy
- Embedded Benefits Navigator
 - Position at DRRC to support Medicaid and other benefit enrollment
- Threshold Support
 - Extended member crisis support
 - Wrap-around and therapeutic support to program graduates and excluded services
 - Employment and job skill development
 - Administrative cost offset

Mr. Schreiber shared an update on the number of Durham County residents that Alliance managed under Medicaid. As of July 1, 2024, there were 6552 Durham residents enrolled in the Tailored Medicaid Plan and 6893 Durham residents enrolled in Medicaid Direct.

24-0694 Presentation from the Office of Emergency Services - Fire Marshal on Blasting for Construction

The Board received a presentation from the Office of Emergency Services - Fire Marshal - on the issue of blasting in Durham County.

Tyler Fitts, Interim Chief Fire Marshal, Office of Emergency Services, presented updates on the County's blasting permit application process. The County increased the requirements of blasting mats from 500 feet distance to 750 feet distance. Requirements were added to the permit application that included a property list within 750 feet of the blast site. A new fee schedule was adopted that changed the permit application from 90 days to 30 days to allow more oversight for the scope of work being done. Residents or property owners must be given a copy of the pre-blast survey with any photos taken within ten business days of the request.

Mr. Fitts reported updates to the Durham County website which allowed the community to learn more about active blasting locations in Durham. Residents could search for any active blast permit within 1000 feet of their property. Additionally, a notification system was created to push out new approved permits to community members via the Durham County Facebook page.

Future steps to complete the updated application included a meeting with Environmental Health to discuss the impact of blasting on well water systems and continued collaboration with the Durham County Legal Department. Mr. Fitts anticipated the finalized blasting permit application to be completed February 1, 2025.

Directives:

- **Staff to ensure that the City of Durham aligned with Durham County standards for issuing blast permits.**

- The Board requested more information on the scientific method that was used to determine the geographic range of the blast.
- The Board requested further conversation concerning notifying residents in a timely manner about a blast and what they have the right to do to protect themselves.

24-0695 Presentation from the Office of Emergency Services - Emergency Management on Local Emergency Declarations

The Board received a presentation from the Office of Emergency Services - Emergency Management on the declaration of local emergencies.

Elizabeth Schroeder, MSN, CPDM, CHEC-III, NHDP-BC, Chief Emergency Manager, Office of Emergency Services provided the Board with a presentation on local emergency declarations. The presentation touched on what Emergency Management considered when a disaster strikes, the role of local Emergency Management, the role of local government, application of Emergency Declarations, community impact and additional restrictions.

Directive: The Board requested to investigate activating a plan to have cooling locations for extreme heat emergencies.

24-0662 Discussion of Proposed Durham County Local Legislative Items for 2025 Legislative Agenda

Deborah Craig-Ray, Chief Communications Officer, reviewed and discussed with the Board the current list of proposed Durham County local legislative items received from departments and commissioners.

Commissioners requested to add increased funding to childcare that would include increasing salaries for childcare workers and to supplement childcare fees.

A final list would be completed and prepared for review and voted on at the November 12th Regular Session meeting. Once the list was approved, it would be shared during an upcoming meeting with members of the Durham Legislative Delegation.

24-0676 Update Presentation on the CIP Planning Process

County Manager Hager provided an update on the CIP Planning Process, an overview of the Draft CIP Calendar, and highlighted new project costs since the last CIP update.

Directives:

- Staff to color code or highlight projects that were ongoing.
- Staff to provide context from where additional funding could come from.
- Staff to provide a policy and a plan for vacant Durham Public Schools properties.

24-0683 Presentation of the FY25 Durham Transit Work Program Q2 Amendment in the Amount of \$3,861,058

The Board received a presentation on the FY25 Durham Transit Work Program Q2 Amendment.

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 Interlocal Agreement determined the process by which the annual budget was developed and approved and required approval by the Durham Board of County Commissioners and the GoTriangle Board of Trustees.

Brandi Minor, County Transportation Senior Administrative Officer, presented the proposed FY25 Q2 amendments, listed below which represented a budget increase of \$3,861,058 to the FY25 Work Program.

Proposed FY25 Q2 Amendments:

- Transit Construction Project Manager - Increases budget by \$3,509
- Transit Construction Team Leader - Increases budget by \$15,973
- Transit Construction Engineer - Increases budget by \$5,187
- Transit Project Implementation Staff - Increases budget by \$75,000
- Transportation Plan Management - Increases budget by \$60,542
- BRT Small Starts Study and Application - Net impact to budget is \$0
- Durham Station Improvements - Increases budget by \$3,563,764
- PHEV Operations Support Vehicles - Increases budget by \$50,000
- Durham Transit Tracker - Increases budget by \$87,083
- Bus Rapid Transit Vision Plan - Net impact to budget is \$0

Eric Simpson, Construction Project Manager, City of Durham, presented the Board with an update on the Durham Station Transit Center Improvements. Mr. Simpson touched on key features and amenities that included upgrades, enhanced passenger experience, sustainable features, security enhancements, accessibility features and contractors. Mr. Simpson reviewed project cost and timeline. Due to market conditions the proposed budget increased by \$3.6 million. The timeline for this project was groundbreaking early 2025 with a projected completion date of Fall 2026.

Ellen Beckmann, Transportation Planning and Services Manager, presented an overview of the Transit Plan Amendments specifically faster, more reliable bus service and regional connections. Amendments included completion of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Bus Speed and Reliability Study, increased Transit Plan administration staffing cost, added Bus Rapid Transit (BRT) vision plan, enhanced small starts application development and an added (BRT) staff position.

Sean Egan, Director of Transportation, City of Durham, presented information pertaining to the FAST 2 Study and Federal Transit Administration (FTA) Small Starts Grant Pursuit.

24-0702 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 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.

County Manager Hager shared an update on program balances and adjustments that included project budget transfers, established project budgets, and impending contract approvals.

John Keefer, County Grants Administrator, highlighted the Treasury ARPA Obligation Rule Changes. The Treasury ARPA Obligation Rule Changes included the following:

- County must have all ARPA funding obligated by December 31, 2024 – service contracts or grant agreements in place, positions established and filled
- Funding could be moved between projects if there was a difference between budgeted costs and actual costs after December 31, 2024 up until December 31, 2026 – so long as all projects were obligated before December 31, 2024
- Contracts/Grant Agreements could be amended after December 31, 2024, including changes to contract term, scope of work, and budgeted or committed amounts
- If a contract or grant agreement must be canceled after December 31, 2024, for cause or convenience, the County could enter into a replacement contract or grant agreement, provided the replacement was for substantially the same services.
 - Could rebid contracts and recomplete grants as needed.
- County could shift projects between categories (e.g., Negative Economic Impacts to Revenue Replacement) after December 31, 2024 if needed.


Adjournment

Vice-Chair Burns moved, seconded by Commissioner Jacobs, to adjourn the meeting.

The motion carried unanimously.

The meeting was adjourned at 2:25 p.m.

Respectfully submitted,


Georgina Nicole Moreno
Administrative Assistant