

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

Monday, November 7, 2016

9:00 A.M. Worksession

MINUTES

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

Present: Chairman Michael D. Page, Vice Chair Brenda Howerton and Commissioners
Fred Foster, Jr., Wendy Jacobs and Ellen Reckhow

Presider: Chairman Michael D. Page

Agenda Adjustments

Chairman Page requested that a discussion be added to the agenda regarding a position for a Community Health Assistant. He indicated that the request was made by Mayor Bill Bell. Commissioner Reckhow wondered if staff could perform due diligence on the subject before the Board made a decision. Upon further consideration, the Board decided to add the item to the end of the agenda.

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 personal matters.

Loretta Woodall, resident of the Carolina Arbors community, asked that the Board put a plan in place to correct the EMS issues identified in 2013-2014. She requested that the Board hold an EMS Strategic Planning meeting before the annual budget was discussed to provide guidance to the EMS Department.

Thomas Hamilton, southeast Durham resident, described the problems residents from his community faced when calling and waiting for EMS services. He hoped that the Board would address these problems and introduce viable short-term solutions.

Gregory Williams, Inside-Outside Alliance (IOA) member, read a detainee's letter describing an incident that occurred during recreation time and the racist behavior of Detention Officer Faulkner. The incident led to the creation of a petition signed by 44 detainees—Mr. Williams provided a copy of it for the public record.

Joe Stapleton, IOA member, read another detainee's description of the same incident described by Mr. Williams, this included comments made by Detention Sergeant Coleman in which he stereotyped detainees' ability to play sports according to their race.

Peter Constantian, IOA member, read a detainee's letter describing Detention Sergeant Coleman's behavior and listed a few changes made by the Detention Center that improved due to the efforts of the IOA.

Evan Edwards, IOA member, read a state prison inmate's letter which described how he was assaulted by Detention Officer Coleman in February 2016. The inmate alleged that the assault left him with long-lasting health complications.

Cynthia Parrish Fox, IOA member, reminded the Board that detainees were not-yet-convicted citizens and stated that the IOA still promoted a community-led investigation into the Detention Centers' medical neglect, price gauging, and food. She read statements from various detainees which alleged that certain Detention Sergeants and Officers abused their authority, used abusive language and mistreated detainees.

Chairman Page offered the citizen commenters to leave any documents with the Clerk and requested that the Manager follow-up with the concerns that were raised. Manager Davis assured him follow-up would occur.

John Tarantino, of Tarantino Satire of Durham, performed a political song about presidential candidate Hillary Clinton.

Directive:

- **Manager to follow up with all citizen commenters.**

Discussion Items:

16-1344 Discussion and Possible Approval of Public Private Partnership Agreement for Renovation of W.G. Pearson School for Use by Student U

Manager Davis commended the staff at Student U, Self-Help Credit Union, as well as the County for their work. Drew Cummings, Chief of Staff, summarized the meetings and decisions made regarding the agreement.

Vice Chair Howerton questioned who would maintain upkeep of the building once construction was complete. Alexandra Zagbayou, Student U Executive Director, informed her that Student U would be responsible for maintaining the building after construction was completed. Mr. Cummings added that since the County would not be buying or owning the building, they had no obligation for the upkeep of the building or the grounds—Student U would buy and own it. The County was only requested to make a financial contribution towards the renovation of the building.

Vice Chair Howerton requested a demographic breakdown of the students that were helped by Student U. Ms. Zagbayou informed her that 43% were Latino, 39% were African-American and the rest identified as mostly multiracial; all students were Durham County residents.

Commissioner Jacobs strongly supported Student U and the role they played in the community, but she felt that more information was needed. She recalled the Whitted project and the information

that was supplied during that project. She requested an overall budget for the project, the renovation assessment, as well as long-term performance measures. She was concerned with the too-short 10 year period as mentioned in the agreement considering the substantial investment (up to \$5 million) that the County would make.

Commissioner Jacobs, concerned with the few Durham residents that were benefiting from County economic development projects, discussed various methods that would enable Durham County residents to be competitive and eligible job applicants for positions created through County-sponsored development projects—HB2 prevented the County from mandating that vendors or subcontractors hire specific categories of people. She hoped that the current system could be analyzed and improved upon.

Commissioner Reckhow also felt that more information was needed regarding Student U's request. She suggested that they consider a joint-use facility with another youth-serving nonprofit in order to maximize the building's utility and large spaces. Commissioner Reckhow and Dan Levine, Director of Project Management at Self-Help, discussed the New Markets Tax Credit and that staff was under a deadline in order for the project to qualify.

Commissioner Reckhow suggested that Student U also present reasonable target growth goals in terms of number of students served and other relevant performance targets—could include high school graduation rate for Student U students and a possible commitment to serve the youth in the immediate vicinity. She also requested longer-term plans or provisions related to the property in the case that Student U ceased to exist as an organization.

Manager Davis reminded the Board about the My Brother's Keeper initiative and that Student U was one of the critical pieces when taking into account which populations of people it served. Student U had the potential to improve educational outcomes for children of color from families of low socioeconomic status; it fulfilled an important community role and could continue to grow in the MBK space.

Vice Chair Howerton wondered if the Board would receive a progress report in the future. Ms. Zagbayou confirmed that they would and agreed to provide the requested information regarding the agreement and project.

Manager Davis felt that Student U had performed a good job in terms of direct services provided and having raised most of the money they needed themselves; he reiterated that Student U was performing much of the critical work that the County needed in terms of improving educational outcomes.

Directive:

- **Student U to send more information regarding agreement and project to the Board. Information should include: overall budget for the project, the renovation assessment, long-term performance measures, reasonable target growth goals in terms of number of students served and other relevant performance targets, high school graduation rate for Student U students, possible commitment to serve the youth in the immediate vicinity, longer-term plans or provisions related to the**

property in the case that Student U ceased to exist as an organization.

- **Student U to send the Board progress reports in the future.**

16-1321 Update on US 70 Upgrade Planning (STIP Project No. U-5720)

This project was in the early stages of the planning process, fieldwork on the study area properties would begin soon. The project would ultimately upgrade US 70 to a controlled-access facility from Lynn Road (at the East End Connector) in Durham to west of TW Alexander Drive in Raleigh. Among other changes, the at-grade intersection of US 70 at South Miami Boulevard/Mineral Springs Road/Sherron Road would be converted to an interchange. City-County Planning and City Transportation were both aware of the project; City Council received a briefing on the project in September 2016—the memo submitted to City Council by City Transportation at that meeting was attached.

Richard Hancock, NCDOT Deputy Division Engineer, gave opening statements. Kristina Miller, Planning Group Manager for RK&K (NCDOT's consultant), presented a PowerPoint to the board.

Commissioner Jacobs and Ms. Miller discussed project funding.

Commissioner Reckhow suggested that the Planning Department be included in future planning to ensure that Durham's future economic development goals were enhanced as well. Manager Davis stated that he would share her concerns with the staff.

Commissioner Jacobs wondered when the panel would return with more information. Ms. Miller explained what the next steps were. Commissioner Jacobs hoped that there would be more landscaping included and a green median.

Ms. Miller and Vice Chair Howerton discussed relocations of homes and businesses located along US 70 and how such situations would be handled with the public.

16-1357 Update on the Minority and Women Business Enterprise (MWBE) Program

Jacqueline Boyce, Procurement Manager; and Keisha Davis, MWBE Coordinator delivered an update on the operation of Durham County's Minority and Women Business Enterprise Program (MWBE). The current MWBE Ordinance for the County expired on December 31, 2015 and, unless otherwise provided by an ordinance enacted by the County Commissioners, the current MWBE Ordinance would be deemed repealed and no longer enforceable. Staff recommended that the current MWBE Ordinance be amended as a result of the most recent disparity study completed by Griffin & Strong, PC in January 2015 and careful consideration of the new goal setting methodology utilized. Attached was a drafted copy of the County's amended MWBE Ordinance; identified in Section 8-136 was the new recommended aspirational MWBE goals for Durham County. Farad Ali, President of the NC Institute of Economic Development; and Ken Weeden and Michael McCoy, Ken Weeden & Associates Inc. consultants to the NC Institute of Economic Development; shared more about the goal setting methodology and additional updates on their assistance to the County in implementing recommendations for the County's MWBE program.

Vice Chair Howerton requested an example of how HB2 would affect the County's MWBE program. Mr. Ali quoted the section of the bill which prevented the County from requiring a private

contractor to abide by regulations on the contractor's employment practices or mandate or prohibit the provision of goods, services, or accommodations to any member of the public as a condition of bidding on a contract or a qualification-based selection.

Commissioner Jacobs and Mr. Ali discussed the MWBE program goals and the courses they offered. Mr. McCoy addressed Commissioner Jacobs's concerns regarding the bidding process, how accessible it was to contractors, and how accessible related employment was for Durham citizens. Chairman Page was very glad that the survey Mr. McCoy mentioned was administered to contractors and hoped that it would improve the community's access.

Commissioner Reckhow thanked the panel and wondered whether any efforts were put into preventing contractors from taking advantage of subcontractors by paying them cash and removing withholding. Mr. McCoy spoke on the methods they would employ.

Vice Chair Howerton thanked the staff for their work and efforts towards combating what she considered as a form of systematic racism.

Mr. Ali thanked the Board for having the courage to address what was shown in the disparity study and attempting to remove the barriers that certain people faced.

16-1356 Proposed Capital Financing for Third Quarter FY2017

George Quick, Chief Financial Officer, presented the Proposed Capital Financing for Third Quarter FY2017 and requested guidance in securing financing for the requested projects.

Commissioner Reckhow and Jodi Miller, General Manager of Community and Public Safety, discussed the new radios and Commissioner Reckhow's request that staff attempt to get the manufacturer to guarantee to continue to manufacture radio parts for a certain number of years.

Commissioner Reckhow urged staff to perform due diligence and ensure that all requested amounts were for necessities in order to prevent piling on the debt for the County. Chairman Page concurred with Commissioner Reckhow and suggested that staff proceed with caution. Commissioner Jacobs and Vice Chair Howerton vocalized their agreement.

Directive:

- **Staff to try to see if manufacturer can guarantee/agree to continue to manufacture parts for the 800 MHz radios (replacement radios for Sheriff, EMS and Fire Marshall) for a certain number of years.**

16-1296 2016-2017 Durham County Strategic Plan Refresh

The Board was requested to hear a presentation from staff on the 2016-2017 process to refresh the Durham County Strategic Plan. In February 2012, the Board of County Commissioners approved Durham County's first Strategic Plan, which was created with community and staff input. This document included a mission, vision, core values, five strategic goals, objectives, measures and initiatives. Later, the County embraced a full continuous improvement model called Managing for Results (MFR).

MFR encompassed strategic planning, as well as management, budgeting, and learning and evaluation. In an effort to sync MFR with the Strategic Plan, the County embarked on a process to refresh this document. In this process, staff worked with the Board, community and staff to create a living document that tied directly to the services delivered by departments and had clear priorities and performance measures. With leadership from the County Manager, General Managers and Strategic Initiatives staff, the County planned to present the refreshed Strategic Plan before the Board for consideration of approval in Spring 2017.

Michael Davis, Strategic Initiative Manager, presented the item to the Board.

Commissioner Reckhow encouraged staff to find innovative ways to include the youth of the community in programs and initiatives, but also through problem-solving services that would otherwise cost the County money. An example she used was a program in the Boston area that allowed neighborhoods/streets to adopt their local fire hydrants via an app and “care” for them (i.e. shovel them out of the snow).

Commissioner Jacobs thanked the panel and requested that the original Strategic Plan be made available online in order to prevent the loss of the original vision. Manager Davis assured that the old performance measures and data would be included and integrated in the refresh. Commissioner Jacobs added that the community could also provide different performance measures and indicators for the County to use; it would provide a MFR learning opportunity for the community as well. Deborah Craig-Ray, General Manager of the Office of Strategic Management and Innovation, Public Affairs and Special Projects, stated that there was historic data associated with the strategic plan on dconc.gov.

Vice Chair Howerton wondered if the data showed whether the County was progressing. Manager Davis informed her that the County did not have the ability to track itself, but a method would be instituted soon in order to track progress in the future.

16-1314 Stay Safe Online Annual Training for BOCC

Greg Marrow, Chief Information Officer, presented a PowerPoint to the Board of County Commissioners on how to stay safe online and protect Durham County’s critical assets—its data. This was a short 20 minute briefing providing critical information on how to prevent data breaches and cyber security threats.

Discussion of the Community Health Assistant Position

Michele Easterling, Public Health Nutrition Administrator, stated that the Mayor's Poverty Initiative Health Taskforce desired a Community Health Assistant to focus on a desired area and help the surrounding community holistically address health problems; she discussed how they helped the community by connecting them to available resources. The employee would ideally be a resident of the target community, someone who the community members trusted and were connected with. It was a somewhat permanent position, paid around \$30,000 in salary plus around \$12,000 worth of benefits.

Vice Chair Howerton inquired whether the City was cooperating financially for the position as well. Ms. Easterling did not have the necessary information to answer the question. Commissioner

Reckhow stated that the City solely funded the Community Liaison Officer position.

Commissioner Reckhow was hopeful that the Board would not take action on this item until after staff performed due diligence; she suggested alternative solutions rather than hiring another FTE for this position—paramedics or officers could perform the necessary duties while performing their regular commitments.

Chairman Page questioned when the item would be brought back; he was supportive of it and wanted the Board to decide before November 28, 2016. Commissioner Foster was also supportive of the County funding the position as requested by Mayor Bell. Manager Davis agreed to have staff submit a memo with the requested information to the Board by Friday, November 11, 2016.

Directive:

- **Staff submit a memo with the requested information to the Board by Friday, November 11, 2016.**

Closed Session

The Board was requested to adjourn to Closed Session pursuant to G.S. 143.318.11 (a)(6) 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.

Commissioner Reckhow moved, seconded by Commissioner Jacobs that the Board move to Closed Session.

The motion carried unanimously.

Reconvene from Closed Session

The Chair announced that the Board had met in Closed Session and provided direction to staff.

Adjournment

Vice Chair Howerton moved, seconded by Commissioner Reckhow, that the meeting be adjourned.

The motion carried unanimously.

Respectfully submitted,

Tania De Los Santos
Administrative Assistant