

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

Monday, October 1, 2018

9:00 A.M. Work Session

MINUTES

Place: Commissioners' Chambers, Second Floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, North Carolina

Present: Chair Wendy Jacobs, Vice-Chair James Hill and Commissioners Heidi Carter, Brenda Howerton, and Ellen Reckhow

Presider: Chair Wendy Jacobs

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.

Attorney Lowell Siler, introduced Larissa Williamson as a new employee in the Attorney's office.

Jim Svara, citizen, advised that he and additional agencies were eager to see the resolution of the redevelopment of the East Main parking lots.

- ✓ Overwhelming support shown in the public input report for the affordable housing goal; 71 percent choose option B and 15 percent choose option A, remaining participants either supported both options or gave no clear response. Mr. Svara requested that the board continue to look at the long-term benefits of the program to serving and housing the larger number of low income families and greater diversity of those families.

Jim Svara expressed the following areas of concern:

- ✓ How the public was informed about the process for this project.
- ✓ Timeframe for which the agenda is available online for the public to view.
- ✓ Memo with September 4, 2018, Development Finance Initiative presentation link was not working properly for public to open and view.
- ✓ Exchanging dates and times of future scheduled meetings sooner to allow the public access to the financial analysis of the project.
- ✓ Recommended that the Board consider agenda item 18-1062 which would add an additional Work Session meeting each month. Mr. Svara felt this would avoid lengthy postponed presentations from the public.

Directives:

- ✓ **Chair Jacobs asked the Clerks' office to check the County website and verify that the DFI website link was working and assessable for the public to view.**

Consent Agenda

Chair Jacobs asked the Board if they had any questions about the following Consent Agenda items:

18-0994 Award of Sluice Gates Purchase Contract for the Triangle Wastewater Treatment Plant, IFB No. 19-002

The Board was requested to authorize the County Manager to enter into a purchase of goods contract with T.A. Loving, Inc. for the replacement of six Sluice Gates at the Influent Pump Station for the Triangle Wastewater Treatment Plant (WWTP) in the amount of \$283,500.

Chair Jacobs requested that the County manager addressed agenda items 18-0994 and 18-1041 together. She addressed concerns in the report that indicated the systems are not working properly and asked how prepared the county's Aeration systems were in the event of high rain falls. Wendell Davis, County Manager addressed the Board with how the County had taken several steps to improve the Triangle WWTP and Aeration systems. He stated investments over the last 15 years were nearly \$50 million dollars; adding the County prided itself on having a highly functioning system compared to other counties in the country.

Paul Manning, Project Manager reported that the Sluice Gate was a separate treatment component. Currently there were six valves that the County currently was not able to operate. He stated the County had two contractors evaluate the work and given a \$50,000 estimate to do a bypass to the pump station. Mr. Manning continued to say the treatment trains were experiencing failures. He added initially train two broke and required quotes for repair and replacement; then, the County received a \$200,000 quote to replace rotors. Mr. Manning stated after the contractors' evaluation the recommendation was for the County to consider a Diffused Air System, which was expected to be more cost efficient.

18-1041 Capital Project Amendment No. 19CPA000006 Appropriate \$2,103,200 to Create the Aeration System Improvements Project for the Triangle Wastewater Treatment Plant (TWWTP) SE055 and Award of the Aeration System Improvements for the TWWTP (IFB 18 040R1) Contract to English

The Board was requested to approve Capital Project Amendment No. 19CPA000006 appropriating \$2,103,200 to establish the Aeration System Improvements Project for the Triangle Wastewater Treatment Plant (TWWTP) Project SE055. The Board was also requested to award a construction contract to English Construction Company, Inc. in the amount of \$1,912,000 for the construction of the Aeration System Improvements and to authorize the County Manager to execute the contract and any related contract amendments, not to exceed a total project budget of \$2,103,200.

Combined comments and responses with 18-0994 per Chair Jacobs

18-1037 Budget Ordinance Amendment No. 19BCC000015 to Recognize \$10,000

in CATCH Grant Award funds from the American Academy of Pediatrics

Welcome Baby Resource Center in collaboration with Duke University Pediatrics received a \$10,000 CATCH grant from the American Academy of Pediatrics (AAP) for expanding the services into the Durham high schools. This was a planning grant for one year and would be used to assess the needs of teen parents.

Commissioner Reckhow recommended that the program consider connecting with other county trial programs to determine how they could benefit together from the grant.

Gayle Harris, General Manager responded the programs leadership was currently dealing with staff transitions. She explained Morris White III, Directive of Cooperative Extension accepted an external position and was no longer with North Carolina Cooperative Extension. Ms. Harris stated the new Interim Director was Deborah Crandall.

Directives:

- **Chair Jacobs would like to know where the program was currently being offered within the County high schools. In addition, she would like information on their plans for future expansion.**
- **Commissioner Reckhow asked the Gayle Harris, General Manager to follow up with the program affiliates at North Carolina State concerning staff turnover and to express the future need for stability within the programs leadership.**

18-0996 Approval of Durham County ABC Board's Travel Policy

No comments were made about this item

18-1041 Capital Project Amendment No. 19CPA000006 Appropriate \$2,103,200 to Create the Aeration System Improvements Project for the Triangle Wastewater Treatment Plant (TWWTP) SE055 and Award of the Aeration System Improvements for the TWWTP (IFB 18 040R1) Contract to English

No comments were made about this item

18-1043 Capital Project Amendment No. 19CPA000007 - Appropriate \$897,280 to Create the Stirrup Iron Creek Lift Station Capacity Improvements Capital Project SE056 and Award of the Stirrup Iron Creek Lift Station Capacity Improvements (IFB 18-029R1) Contract to Carolina Civil Works, Inc.

No comments were made about this item

Discussion Items:

18-1032 Update on the Minority and Women Business Enterprise (MWBE) Program

The County partnered with The Institute of Minority Economic Development (The Institute) to assist with increasing the utilization of diverse business enterprises through resources programs, policies and events. Mr. Farad Ali, and other team members provided a 15-20-minute overview and update of the County's 2018 MWBE Program End of Year Report.

Jacqueline Boyce, Purchasing Manager provided the Board with a presentation that showed background on the startup of the programs initiatives surrounding MWBE training and outreach goals. Ms. Boyce outlined the progress based on organizational assessments and recommendations

Ms. Boyce also indicated that based on a disparity study done by Griffith Strong two major recommendations were implicated that the program has focused ongoing efforts toward. There was a 25 percent aspirational goal for the inclusion of the Minority and Women Business in their contracting process

- The need to increase our Minority and Women Business utilization in contracts awards
- The need for additional resources to help manage the program

Farad Ali, spoke about creating the internal “*champions of diversity program*” to increase educational strategies surrounding inclusion and future procurement opportunities. Mr. Ali shared key performance measurements and joint training sessions for 2017-2018.

Commissioner Reckhow inquired about the comparison of minority and women business comparative report which indicated a 14 percent decrease in procurement of construction goods and services spent. Mr. Ali stated it would be beneficial for each internal department to have an aspirational goal that they could set annually. He added this would allow them the ability to measure against their individual departments and to increase a culture of inclusion.

Commissioner Howerton asked was there any increase in the certification process that allowed more MWBE to become the prime contractor versus subcontractors. Mr. Ali responded they were working with firms through the process. Commissioner Howerton also inquired about the Institutes involvement with the bonding process. Michael McCoy indicated the institute was working to connect clients with financial institutions that assisted with the finance process while also looking at contracts that required bonding. In final response to bonding Mr. Ali indicated that bonding was secondary to selection for their work and they were planning future bonding trainings.

Commissioner Carter discussed the workforce composition and inquired about the continued challenges in getting the numbers on contracts funded by County.

Attorney Siler supported the idea of seeing what information we could produce surrounding County contracts and diversity.

Directives:

- **Commissioner Reckhow would like the report to be corrected to show that the trainings were done at the East Regional Library.**
- **Chair Jacobs requested more focus on percentages and less focus on the total amount of participation. She would also like to know what other measurements could be used to track outcomes and show more results-based measures.**

18-0623 Women’s Commission Update

The Board was requested to receive an update from the Women’s Commission on activities and events.

Zion Tankard, Chair of the Durham County Women’s Commission addressed the Board with the ongoing working concerns and equality for women in Durham County. She also provided the board with a presentation that outlined below some of the programs goals, challenges, and upcoming events to address issues.

Directives:

- **Commissioner Howerton expressed her support of the program and wanted to ask them to look at the Equal Pay Act recently passed in New Jersey and see if this was something we could follow in North Carolina.**
- **Commissioner Carter asked that the report information shown and discussed be giving to the Board.**
- **Commission Reckhow would like to see the Commission work together with the new City’s Women’s Commission.**
- **Commissioner Reckhow asked the County Manager to work with Clerks’ office and pull the 2017 resolution for the Women’s Commission to see if we were meeting targeted goals that were set forth in the resolution concerning gender pay equity.**
- **Vice-Chair Hill asked that the Women’s Commission look into the “Consent” process and talk to Durham Public Schools about future educational opportunities surrounding topic.**

18-0988 Design Development Phase of the Administration Building Renovations Update II: Project No.: DC 137

The Board was requested to receive a second update on the design development phase from DTW Architects and Planners, Ltd. of Durham on the Administration Building Renovations located at 200 E. Main Street. The purpose of this update was to brief the Board of County Commissioners on the design development efforts to date following previous decisions on the space allocations and adjacencies of the various departments deemed to remain in the facility following the completion of the Administration II Renovation.

Peri Manns, Deputy Director of Engineering and Environmental Services provided the Board with the renovation plans for each floor in the Admin I Building.

Commissioner Reckhow stated she would like to have the floor plans show existing staff only versus projected staff. She also asked them to consider not up-fitting some of the open spaces on the Fourth Floor/Projected staff growth space.

Chair Jacobs questioned the First-Floor plans for the wellness program asking was it based on space requested or expansion of the program. She also asked for clarification on the interior/exterior light fixture replacement in the Board Chambers.

Directives:

- **Chair Jacobs asked that offices not being used be labeled flex space and look at all**

meeting rooms and decide if they are being fully utilized, if not then we would address them in the future to reduce spending.

- **Commissioner Reckhow recommended a taskforce to address proactive/preventive strategies based on the number of conference and trainings rooms showed in several open unused spaces.**

18-0901 Capital Project Amendment No. 19CPA000001 - Fiscal Year 2018-19 Appropriation of Approved County Contribution Funds (\$6,545,957) for Multiple Capital Projects

The Board was requested to approve Capital Project Amendment No. 19CPA000001 appropriating County Contribution funds of \$6,545,957 to 11 capital projects (seven existing and four new projects). The budget amendment was a standard annual procedure that occurred at the beginning of each fiscal year.

Claudia Hager, General Manager of Financial Affairs, shared a presentation that provided an overview of the County's contribution funded projects formally known as "*Pay as You Go Funded Projects*". She stated models used were intended to keep the County debt levels down. Ms. Hager continued to say this approach allowed the County to protect its assets by utilizing this method and they were looking for the Board to approve the 11 capital projects. She also added time sensitive projects such as the heating, ventilation, and air conditioning (HVAC) repair and roofing projects required decision prior to the winter months.

Motiryo Keambiroiro, Director of General Services discussed the Bragg Town project. She stated last winter the system froze up and an insurance claim was being processed for damages. Ms. Keambiroiro added buildings needed to be brought up to code and some of the money being used for Bragg Town would be used to make some of those upgrades.

Commissioner Reckhow expressed some concerns with the Bragtown Branch library parcel size and possible additions to it could be difficult. She would like the county to consider working with the city, if based on the feasibility study the county was to proceed with construction of the building to address hazards presented for public with sidewalks being limited for pedestrians walking to and from library.

Chair Jacobs requested clarification on the increase in the security budget in the report. Ms. Keambiroiro explained the increased amounts were primarily for the cameras in the buildings so the County could monitor properties. She added the decision was also made to separate the security and building automated control system HVAC operating systems.

Directives:

- **Commissioner Reckhow would like to hold off on decisions concerning the Rainbow project until the Board has discussed the future of project prior to making any decisions concerning replacing the parking lot.**
- **Commissioner Reckhow has requested that Emergency Medical Services Duke West Station property be relabeled in the report since the County was no longer considering purchasing land in that area.**

- **Commissioner Reckhow has asked staff to contact the City and request a designated crosswalk for the Bragtown Library prior to library reopening.**
- **Bragtown has a proposal to resurface the gravel lot and interior work, needs to be Americans with Disabilities Act compliant with bathrooms**
- **Commissioner Reckhow has requested a report on surplus properties**
- **Commissioner Carter would like staff to look at what the school district is doing differently for their capital budget to keep cost low and address in a future meeting.**
- **Chair Jacobs would like the Board to discuss further the Marriott Parking lot to determine the best use for project.**

18-0719 Closed Session

The Board was requested to adjourn to Closed Session pursuant to:

- 1) G.S. 143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes;
- 2) G.S. 143-318.11(a)(3) 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; and
- 3) 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 Carter to adjourn into Closed Session.

The motion carried unanimously.

Reconvene to Open Session

18-1062 A Proposal to Change the Board of County Commissioner's Work Session Schedule

The Board was requested to review a proposal to change the Board of County Commissioner's Work Session Schedule to enhance its Work Session experience, limit time in meetings, provide ample opportunity for policy discussions, minimize agenda-cram and rushed deliberations and strengthen decision-making

Chair Jacobs stated the County was the only Board in Durham with one Work Session a month and she stressed having only one meeting impacted work and gave staff less opportunities to submit items. She suggested placing some items on the Regular Session in addition to processing items by memo versus being brought to either of the sessions. Chair Jacobs asked the Board to consider one Work Session be in morning and one Work Session be in the afternoon to increase

citizen opportunities to attend.

Commissioner Howerton stated the training and legislative agenda opportunities for some Board members could possibly be impacted with the addition of another Work Session. She added there was also work outside of the Commissioners' position that would cause concern if there were for two days of Work Session meetings.

Commissioner Reckhow also agreed with Commissioner Howerton on other potential conflicts that two Work Session would have on other obligations. She asked that the Board look at how much gain we could make from increasing the number of items at regular sessions.

Commissioner Carter stated presenters should receive guidance on what the expectations were for presentation. She suggested they work with the Clerk to make sure materials were received in advance. Commissioner Carter also recommended utilizing the Regular Session practices during the Work Session meetings and possibly extending time during the Regular Session meeting to allow the public the opportunity to learn more about the County's processes. Commissioner Carter stated she would continue advocating for two Work Sessions per month to increase accuracy of what was on the agenda and allow sufficient time for submissions.

Directives:

- **Chair Jacobs asked staff to look a current commitments of Board members to see what day would be more agreeable to hold a Work Session. She would like to come back to this issue in January after having Managers and the Clerks' Office complete an assessment**
- **Vice-Chair Hill stated the Board should look at the number of questions asked during presentation to be more useful of our time.**

18-0995 Durham County Boards and Commissions Attendance Requirements

Durham County's attendance policy for appointees requires a 50 percent attendance. However, state and federal law requires some boards and commissions to follow a more stringent attendance requirement than Durham County's attendance policy. The Board is requested to discuss amending the attendance requirements of boards and commissions appointments required to adhere to state and federal law.

Lowell Siler, County Attorney stated if a board, commission or committee had a more robust attendance requirement the County would recognize that attendance requirement.

18-1057 Board Directives Follow-Up

Drew Cummings, Chief of Staff, addressed the link for directives because the Board was unable to access the board directives through the One drive for meeting.

Directives:

- **County Manager Wendell Davis requested Mr. Cumming's and the Information Systems and Technology department work directly with the Clerk's office to resolve the issues that board members are experiencing when opening the Board Directives link.**

Commissioners' Comments

Commissioner Howerton indicated that there were several events for Durham over the past weekend that contributed to the economic viability with “*Black Wall Street Homecoming*” and “*Art of Cool*”. She also attended an informative conference with Commissioner Reckhow this past week discussing sustainability in distressed communities.

Commissioner Reckhow highlighted topics discussed by the “*Cradle to Career*” conference speaker regarding the approach to achieve economic equity. She would like the County to continue to focus on making some progress towards equity and access to jobs in the upcoming year.

Chair Jacobs would like the County look at the states sustainability plan considering the recent Hurricane Florence event. She would like the County to submit a resiliency plan to the State for the future.

Vice-Chair Hill commented on the Durham Pride event over the past weekend stating it was very successful and seemed to be growing rapidly.

Commissioner Carter attended several events recently including the Interfaith Food Shuttle Hub, and the Grandparents Against Climate Change Event. She mentioned the cities “Champs” grant was underway for serving children in the Durham Public Schools Anti-Hunger Programs. Lastly, Commissioner Carter noted the “No Smoking” signs along the American Tobacco Trail, commenting on their neat appearance visibility.

Adjournment

Commissioner Carter moved, seconded by Vice-Chair Hill, that the meeting be adjourned.

The motion carried unanimously.