

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

Monday, October 3, 2022

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 Brenda Howerton, Vice-Chair Wendy Jacobs, and Commissioners Nida Allam, Nimasheena Burns, and Heidi Carter

Presiders: Chair Brenda Howerton

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, October 2nd at 12 noon.

Elizabeth Simpson, Emancipate NC representative, spoke on the report the Board was provided via email which called for county-level reforms to the Department of Social Services and the abuse and neglect dependency courtroom in Durham County. She strongly encouraged the Board to read the report and answer the questions posed in the email. The report included information from interviews with dozens of stakeholders in Durham and academic research about best practices in the child welfare space. She stated that involuntary family separation was oftentimes more traumatic than leaving the child(ren) with their family and providing resources to improve their circumstances.

Virginia Wertman advocated for the County prioritizing the redesign of the social services program and child welfare services. She read a statement that included excerpts from a 2022 report by Dorothy Roberts, JD, professor and chairperson at the University of Pennsylvania Law School, which described how involuntary family separation harmed children in the short-term and long-term—well into adulthood.

Elizabeth Arant spoke in support of the report calling for county-wide reforms to the child welfare system. She read an excerpt from an article by Alan Dettlaff, Dean of the Graduate College of Social Work at the University of Houston, which described the negative outcomes the child welfare system produced by forcibly separating children from their families for reasons largely related to poverty. She stated that children experienced significant and lifelong trauma regardless of how long the separation lasted.

Maren Hurley spoke in support of the report and read an excerpt from an article by Shanta Trivedi, clinical teaching fellow at the university of Baltimore' Bronfein Family Law

Clinic. The article described the research that indicated involuntary separation caused detrimental, long-term emotional and psychological consequences that may be worse than leaving the child at home due to the trauma of removal itself and the unstable nature of and high rates of abuse in foster care. She noted only two jurisdictions required courts to consider the harms that occurred when a child was taken from their family.

Jatoia Potts, Thrive Tribe NC creator, spoke on the new law that let agencies use federal money to keep children safe with their parents instead of taking them away and giving the money and resources only to foster families. She encouraged the Board to work with Thrive Tribe NC to make positive change in Durham.

Samantha Lias spoke in support of the report and urged Durham to join the growing body of municipalities committed to fostering robust, liberal, and meaningful family time (visitation) for families and children in out-of-home care.

Consent Agenda

The Board was requested to review the following Consent Agenda items for the October Regular Sessions.

22-0506 Budget Ordinance Amendment No. 23BCC00030 to Recognize \$398,121 in Grant Funding to the Office of Emergency Services-EMS Division (OES-EMS) from the US Department of Health and Human Services (DHHS), Substance Abuse and Mental Health Services Administration (SAMHSA), and to Authorize the County Manager to Sign and Execute All Contracts for Authorized and Approved Uses Associated with the Grant Program Throughout the Grant's Period of Performance

The Board celebrated the grant and acknowledged Captain Helen Tripp, MIH Program Manager, who spent her vacation writing the grant.

Jim Groves, OES Director, spoke on what this four-year grant was about and Lee Van Vleet, Assistant Chief for Research and Clinical Affairs, discussed the widespread fentanyl adulteration of other drugs.

22-0570 Budget Ordinance Amendment No. 23BCC00034 Public Health to Recognize \$450,000 from the North Carolina Department of Health and Human Services Division of Public Health for

Rodney Jenkins, Public Health Director, spoke on this item and the community-wide goals surrounding maternal and child health.

Commissioner Allam confirmed Family Connects discussed safe sleep practices with families.

22-0572 Budget Ordinance Amendment No. 23BCC00032 Public Health to Recognize \$4,190,442 from the NC DHHS Division of Child and Family Well-Being, Whole Child Health Section for Temporary Funding to Support Youth-related COVID-19 Activities

Mr. Jenkins confirmed the County was working with DPS and school nursing staff to determine the best way to use the funds. In terms of flexibility under the “other school health program activities” that the funds were allotted for, he noted staff wanted to include mental health services for students.

With respect to the prevalent issue regarding lack of access to diabetic care for children, Mr. Jenkins stated these funds could possibly be used to address this via diabetic care specialists in schools. Staff would need to discuss this with the State before giving a concrete answer. Joanne Pierce, General Manager, spoke on the importance of referring children with diabetes and other chronic conditions to their primary care physicians to ensure continuity of care.

22-0573 Budget Ordinance Amendment No. 23BCC00031 Public Health to Recognize \$60,474 from the NC DHHS Division of Public Health Epidemiology Section / Immunization Branch to Fund Continued Activities that Focus on Removing Barriers to Accessing COVID-19 Support

Mr. Jenkins stated the Association of Local Health Directors petitioned the State to be allowed to use these funds towards flu and monkeypox vaccines in addition to COVID-19 support. Staff was awaiting a decision from the CDC.

22-0574 Public Health to Create One Full-Time FTE Senior Public Health Nurse Position Using Previously Recognized Funds from Agreement Addenda 546 Communicable Disease Pandemic Recovery Grant

Mr. Jenkins provided more detail on this item.

22-0575 Public Health to Create One Full-Time FTE Senior Public Health Nurse Position Using Previously Recognized Funds from Agreement Addendum 583 Refugee Health Assessment and Agreement Addendum 546 Communicable Disease Pandemic Recovery Grant

Mr. Jenkins noted the reasons for the County not screening all refugees included language barriers, their ability to get in, and the County's partnership with resettlement agencies.

Commissioner Carter suggested the Board receive a more robust and full presentation on all the school health programming; with information on how it was coordinated and who participated. Chair Howerton stated she would speak with the Chair of the Board of Education to see if this could be added to a future Joint BOCC-BOE meeting. Vice-Chair Jacobs suggested including school and DSS social workers to the conversation.

Directive: Board to be briefed on current services being offered within DPS schools in regards to physical and mental health care and social services (possibly during a future Joint BOCC-BOE meeting).

22-0580 Capital Project Amendment No.23CPA00010 Appropriating \$1,326,100 of Future Taxable Limited Obligation Bond Funding (LOBS) to the 500 E. Main St. Downtown Parking Deck Capital Project (47302635DC151); as well as Authorize An Owner's Contingency in the Amount of \$1,326,100 to Execute Any Necessary Change Orders for the Deck Development Agreement with ZOM Living, for a Total Budget Not-to-Exceed \$31,826,100

Directive: Peri Manns to work with PIO and IST to see if they could make a creative and reusable sign to list public benefits at the sites of publicly funded projects.

22-0588 Conservation Easement Option with Margie and Bill Sparrow Jr. for 3901 Red Mill Road

The Board applauded staff for their work on this.

22-0592 Approval of Contract with Jewish for Good to Implement Durham’s Master Aging Plan

Gina Upchurch, Aging Well Durham Board Executive Committee, and Joyce Briggs, Aging Well Durham Board Chair, spoke on their goal and provided a small status update.

22-0597 Approve Budget Ordinance Amendment No. 23BCC000038 Appropriating \$450,000 of General Fund Fund Balance and Approve a Contract Amendment Increasing Funds for the FY 2022-23 Durham Pre-K Contract with Child Care Services Association

Linda Chappel, Child Care Services Association Sr. Vice President, spoke on attendance data and discussed the Outreach Committee’s robust efforts to use an equity-focused approach.

There were no questions regarding the items below:

22-0565 Revision to the Contract Approval to SouthData Inc. in the Amount of \$60,264.20 for Board of Election’s Printing and Mailing Services

22-0566 Approval to utilize existing operational funds in the amount of \$227,875.87 for this fiscal year to the Unified Performance Support agreement with Microsoft

22-0571 Budget Ordinance Amendment No. 23BCC00033 Public Health to Recognize \$115,000 from the NC DHHS Division of Child and Family Well-Being, Whole Child Health Section to Provide Temporary Funding to hire Public Health Nurse School Health Liaisons for COVID-19 Coordination

22-0578 Capital Project Amendment No.23CPA00009 Appropriating \$175,000 of Future Taxable Limited Obligation Bond Funding (LOBS) to the 300 E. Main St. Capital Project (4730DC150), as well as Authorize the Increase of the Owners Construction Contingency for the C, M @R Contract with LeChase Construction by \$175,000, for a Total Construction Contract Not-to Exceed Amount of \$20,964,669 for the 300 E. Main St. Structured Parking Deck

22-0583 Approval of Memorandum of Agreement with NC Administrative Office of the Courts for Cabling for Wireless Internet Equipment at the Durham County Justice Center

22-0586 Capital Project Amendment No.23CPA00011 Appropriating \$66K of County PAYGO Funding to the Judicial Building Annex Renovation Capital Project (47302635DC141) to Cover Contract and Contingency Costs of \$328,900 for Ground Water Intrusion Repairs; as well as Approve a Contract for Ground Water Intrusion Repairs at Durham County Judicial Building Annex

22-0593 Budget Ordinance Amendment No. 23BCC000035 - Transferring \$21,324,888 of General Fund Fund Balance to the Capital Financing Fund in Recognition of Final Sales Tax and Occupancy Tax Collection from the Prior Year (FY 2021-22) and Revenue from the Sale of the American Tobacco Parking Deck in Adherence to Board Policy

Discussion Items

22-0615 Durham County Family-Friendly Workplace Policies

This item was pulled from the agenda.

22-0590 Authorize the County Manager to Execute the Interlocal Cooperation Agreement with the City of Durham Governing the Development of a New Durham Cultural Roadmap by the Durham Cultural Advisory Board

The Board was requested to suspend the rules and vote to authorize the County Manager to execute the Interlocal Cooperation Agreement (ILA) with the City of Durham governing the development of a new Durham Cultural Roadmap by the Durham Cultural Advisory Board (DCAB).

In November 2021, the Board and City Council agreed to jointly fund/support the development of a new Cultural Plan for Durham as requested by DCAB in the amount of \$300,000 with both the City and County having a 50/50 split totaling \$150,000 each. The funding was recently approved in both City and County FY23 Budgets. The purpose of the Interlocal Agreement was to authorize the DCAB to utilize FY23 funding to structure and direct the development process for a new Durham Cultural Roadmap. The new Durham Cultural Roadmap would replace the 2004 Durham Cultural Master Plan to further enhance Durham’s cultural and arts landscape, maximize resources, and provide a coordinated vision and collaboration among a variety of community, cultural, civic, and business partners. The previous Cultural Master Plan had a 15-year implementation timeline that expired in 2019. The City Council approved this item at their September 22, 2022, meeting by suspending the rules and voting for its approval in order to expedite the community engagement process of which staff requested the Board do the same. Approval of this item would also trigger for the issuance of the \$150,000 funding reimbursement from Durham County to the City of Durham as support for this effort as previously agreed.

Peri Manns, Deputy Director of Engineering and Environmental Services provided additional details.

Laura Ritchie, DCAB member, noted the mission was to create a five-to-seven-year plan through inclusive, accessible, and equitable community engagement processes county-wide that would maintain, grow, and sustain the arts and culture sector in Durham for the next decade and beyond. She added that the arts and culture sector they were referring to included cultural and educational institutions such as libraries, museums, arts presenting venues, and nonprofit and grassroots arts organizations in all artistic disciplines—including but not limited to visual arts, performing arts, literary arts, history and heritage, sciences, humanities recreation, and all individual creative expression. The Roadmap planning process was anticipated to take a year and would be guided by a planning group of about 35 volunteers. The volunteers would represent a wide cross-section of the community, representing the public and private sector, philanthropy, community development, education, cultural groups, artists, cultural workers and other creatives. The group would be selected by DCAB members based on recommendations from the community. A notable feature of the plan was that it included not only producers of arts and culture, but also artists and cultural workers in a meaningful way—as central leaders of the planning process. This orientation was a direct response to issues raised by community members.

E'vonne Coleman, DCAB member, stated the Durham Cultural Roadmap was consistent with the City and County's Comprehensive Plan in terms of community-identified priorities. She added that the DCAB raised \$50,000 in private funds and hoped to raise a little more.

Ms. Coleman discussed the questions staff was gathering to discuss for the plan development. She stated they would include "what role would public art play in the Durham Cultural Roadmap?" She mentioned the Public Art Advisory Committee would like to see more private sector engagement in the public art process.

Aside from the final report estimated to be completed in December 2023, Former Mayor Steve Schewel stated the DCAB was prepared to provide progress reports and updates to the City and County as frequently as desired. Vice-Chair Jacobs believed six-month or annual updates were appropriate.

Former Mayor Schewel confirmed DCAB met with the Durham Arts Council (DAC) and DAC would have representation on the steering committee.

Chair Howerton spoke on the importance of art for young folks and how it could make a profound difference in their lives.

Commissioner Burns moved, seconded by Commissioner Allam, to suspend the rules.

The motion carried unanimously.

Commissioner Burns moved, seconded by Commissioner Allam, to authorize the County Manager to execute the Interlocal Cooperation Agreement (ILA) with the City of Durham governing the development of a new Durham Cultural Roadmap by the Durham Cultural Advisory Board.

The motion carried unanimously.

Directive: City and County Manager to determine frequency of Durham Cultural Roadmap progress reports/updates to the City and County.

22-0577 Medical Costs at the Detention Center (FY19-22)

The Board received a presentation from the Sheriff's Office regarding the medical costs for detainees at the Durham County Detention Center.

On June 2, 2022, the Sheriff's Office went before the Board seeking approval for new initiatives during the FY22-23 process and the conversation grew into a larger discussion surrounding all medical costs for detainees at the Detention Center. The presentation included a request for a new position for a Medical Director at the Detention Center.

Shonicia Jones, Wellpath Health Services Admin, stated that a regional comparison was completed and showed Detention Center nurse salaries were comparable to all other opportunities nurses had in the region. Christopher Mosley, Wellpath Regional Operations Director, added that while it was not possible for correctional facilities to compete with the

hospital sector's retention methods (e.g., bonuses) due to not receiving ARPA funds, the salaries were competitive with the local market. Durham County Sheriff Birkhead spoke on the difficulty with recruitment that was not due to salary, but rather the environment of a Detention Center as opposed to working in a hospital.

Discussion was held regarding the increasing costs of Medicaid and MAT.

Mr. Jenkins stated that no less than 60-70% of counties in NC had an outside vendor providing correctional healthcare and this model worked. He believed that, from a healthcare perspective, it was a fruitful partnership that benefited the county, the vendor, as well as the detainees. Sheriff Birkhead discussed when Durham County made the transition to using a private provider (2004) to provide correctional healthcare.

Ms. Jones spoke on the frequency by which policies were updated and the critical incident review process. Mr. Jenkins confirmed Public Health was involved in the annual policy reviews and critical incident reviews.

In terms of the funds budgeted for offsite costs, Ms. Jones stated they had a \$400,000 cap and \$150,000 above that was a shared cost between Wellpath and Public Health.

Mr. Mosley expressed Wellpath's commitment to providing the appropriate care in the appropriate setting for what the patient needed.

Mr. Jenkins confirmed the Monkeypox and flu vaccines were available to Detention Center detainees upon request. Mr. Mosley spoke on Wellpath's protocol for identifying patients symptomatic of Monkeypox. Sheriff Birkhead noted that Durham County had not yet had anyone enter with Monkeypox symptoms.

Directive: Staff to put a pin on a future conversation with hospital leadership regarding changing protocol when releasing individuals who were not yet ready to be discharged due to needing more time for observation or a soft handoff to other programs or services.

22-0585 County Stormwater Nutrient Management Strategy and Project Selection Update

The Board received a report on stormwater project identification methodology and the identification of initial stormwater projects to meet the adopted Interim Alternative Implementation Approach (IAIA) for the Falls/Neuse Rules. The proposed IAIA approach was formally adopted by the State Environmental Management Commission (EMC) during their September 8, 2022, meeting. The Board was requested to provide feedback on and endorsement of the staff's recommendation for project selection to meet the County's obligations under the Falls Lake Rules requirements including the IAIA commitments.

Durham County was challenged with meeting multiple State-promulgated nutrient management rules including the Falls Lake and Jordan Lake rules. To proactively prepare for the onset of these rules that required reducing nutrient loads associated with existing development, the County began the process of identifying strategies to manage and reduce these nutrient loads. The County hired WK Dickson to help develop a methodology for identifying projects in the County to reduce nutrient loading and help meet the County's obligations under the Falls and Jordan Lake rules. Using the County Stormwater Program's Guiding Principles of Compliance, Efficiency, Resiliency, and Environmental Justice, WK Dickson created a scoring rubric for

project prioritization, conducted desktop analyses for potential project locations, visited potential sites, and identified six potential projects. These six projects were evaluated for nutrient removal potential and construction cost estimates were developed for each project as seen below:

Project Name	Rubric Score	Cost
Whispering Pines Mobile Park	80	\$2,368,000
Neal Middle School	69	\$417,000
Durham Public Schools Operations	67	\$543,000
Oak Grove Elementary School	61	\$935,000
Mangum Elementary School	56	\$501,000
Little River Community Complex	49	\$557,000

Ryan Eaves, PE Stormwater & Erosion Control Division Manager, stated that, under the IAIA of Stage I of the Falls Lake Rules, Durham County was committed to spending at least \$666,500 on stormwater projects over the next five years. At least one of these projects had to be constructed to meet the IAIA commitment. The initial project would be funded by the Stormwater Utility Fee and staff recommendation was to proceed with the Neal Middle School Project. Mr. Eaves clarified that the project would be to create a bioretention area.

Vice-Chair Jacobs encouraged staff to submit this for a NACo or NCACC award because the rubric and decision-making process were exceptional.

Mr. Eaves discussed his conversations with DPS staff and stated DPS was excited about the projects and interested in participating. Staff would have more specific conversations regarding Neal Middle School in the future. He stated he had not yet spoken with the BETC Program but would because student participation and community investment were important.

Commissioner Carter voiced her support for staff’s proposal to start at Neal Middle School.

Tom Murray, PE, WK Dickson, confirmed the plants were intended to be native to the state in the bioretention area. Dr. Bill Hunt, N.C. Cooperative Extension Specialist for NCSU Biological and Agricultural Engineering Dept, was a leading researcher for bioretention areas and had a list of recommended plant species that could be utilized.

Mr. Eaves did not believe the projects affected water in the Northeast Creek stream. He discussed the inability to provide credits to farmers for their existing best management practices used. He stated staff would attempt to be mindful should any opportunity come up when the projects shifted to private properties since they were only focusing on public properties at the current stage.

22-0599 Proposed Items for 2023 NCACC Federal Legislative Goals Process

The Board was requested to develop and submit proposed federal legislative items for consideration as the North Carolina Association of County Commissioners (NCACC) worked through a rigorous process to develop critical legislative proposals to advocate for in 2023-2024.

Final items would be used as the basis for advocacy with our North Carolina congressional delegation during the NACo Legislative Conference and beyond.

A list was shared prior to the meeting. Once the Board agreed on a final list, staff would send approved items to the NCACC for consideration by the deadline of October 7, 2022.

General Manager Deborah Craig-Ray reviewed the Goals as shown below.

1. Support the Black Maternal Health Momnibus Act of 2021 put forward by the Federal Black Maternal Health Caucus.
2. Increase federal investments in childcare services for families, including increased funding for things like Early Head Start and Head Start and also wages for childcare workers
3. Pass the Child Care for Working Families Act.
4. Provide Free healthy school meals for all.
5. Make Summer Electronic Benefits Transfer (EBT) a permanent program.
6. Expand SNAP eligibility for formerly incarcerated individuals, college students, and other vulnerable populations.
7. Increase funding for the Older Americans Act (OAA) nutrition programs.
- 8-11. Related to transportation.
12. Fully fund universal PreK including funding for capital infrastructure.
13. Increase Federal min wage of \$15 to \$22
14. Codify Roe v. Wade
15. Federally declare broadband as a public utility.
16. Establish that the exemption to Medicaid Section 115 be automatic and/or that there is additional Federal funding for behavioral health services for inmates and detainees during incarceration and immediately afterwards.

Commissioner Burns moved, seconded by Commissioner Allam, to suspend the rules.

The motion carried unanimously.

Chair Howerton moved, seconded by Commissioner Allam, to approve the items to go to the NCACC.

The motion carried unanimously.

Directives:

- **Deborah Craig-Ray to combine Goals #2 and #3.**
- **For Goals #6 and #7, adjust wording to make permanent the maximum allowed benefits for FNS and automatic recertifications.**
- **Add language to request more federal funding for in-home services for seniors and services for children and youth to support families in an effort to keep children placed in their homes (rather than be removed and placed into foster care).**

22-0602 Commissioner Comments

The Board allowed each Commissioner six minutes to report on conferences or make comments regarding issues that may be of interest or concern to the Board.

Vice-Chair Jacobs spoke on the first ever Transit Awareness Day organized by the Regional Transportation Alliance that she and Chair Howerton attended. She recalled a GoTriangle presentation noting that bus ridership was almost back up to pre-pandemic numbers but there was no peak at commuting times rather it was steady and high throughout the day. She added that another thing she learned was that Airport staff was planning for BRT service from the airport.

Chair Howerton shared information she received from a conference she attended that included information about how some counties were able to save at least 3% on procurement. She planned to distribute the information to the staff it applied to.

Closed Session

22-0603 Closed Session

The Board was requested to adjourn to Closed Session 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 Allam moved, seconded by Vice-Chair Jacobs, to adjourn to Closed Session.

The motion carried unanimously.

Reconvene from Closed Session

Chair Howerton announced the Board had met in Closed Session and asked for a motion.

Adjournment

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

The motion carried unanimously.

The meeting was adjourned at 2:38 p.m.

Respectfully submitted,



Tania De Los Santos
Administrative Assistant