

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

Monday, August 5, 2019

9:00 A.M. Worksession

**MINUTES**

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

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

Presider: Chair Wendy Jacobs

Chair Jacobs introduced the new Tax Administrator, Timothy Brinson, and asked him to say a few words. Mr. Brinson expressed his excitement with working at Durham County Government.

**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.

Lonna Harkrader spoke on the local historical district regulations preventing the use of solar panels on rooftops. Morehead Hill residents felt the local review criteria governing which kinds of roofs, windows, and doors may be used in renovation projects by non-contributing homes be abolished. The residents requested that the Board intervene on their behalf and pass a resolution to allow:

- Solar rooftops of any configuration the homeowner deemed best for their home on rooftops of any home in a local historical district, be they contributing or non-contributing properties.
- The removal of trees that obstructed the sun from shining on the solar panels.

James Chavis spoke about the problems faced by Black Durham residents which he felt were being ignored by the Board. He requested Vice Chair Hill and Commissioner Howerton attend a forum on either the 2nd or 4th Thursday in September. Mr. Chavis spoke about a recent shooting in the Franklin Village community which involved children and alleged the Department of Social Services failed to investigate the home after a previous gun-related incident.

John Tarantino performed a Simon and Garfunkle musical parody for the Board.

**Consent Agenda**

The Board was requested to review Consent Agenda items for the March Regular Session meetings. The following consent agenda items were reviewed:

**19-0322 Budget Ordinance Amendment No. 20BCC000004 - Recognize Durham County Library Grant Revenue: "LSTA Practicing Inclusivity"**

Upon request, the Library staff refreshed the Board on the plans for the sensory room. They discussed the purpose of a sensory room, what it could be used for by people in the community who reserved it, and the function they believed sensory rooms would service in the evolving role of libraries.

**19-0327 Acceptance of \$26,149.00 CFAT Grant to the Engineering and Environmental Services Department Supporting Replacement of Nine Electric Vehicle Charging Stations**

Tobin Freid, Sustainability Manager, discussed the different datapoints the new charging stations would provide and, subsequently, allow the County to determine whether charging for usage of the stations was worth it from a cost recovery stance (it would cost the County money to charge for usage). Ms. Freid noted that a new law was recently passed which allowed Electric Vehicle Charging Station owners to charge for electricity, not just for time of use.

Commissioner Reckhow supported having the charging stations be billable but was concerned about the use during times the libraries were used as voting sites or having special events. She suggested having a sign encouraging the public to prioritize having electric vehicles in charging stations unless there were no other parking spots available—the signs currently at the stations allowed parking for electric and hybrid vehicles. Ms. Freid stated they would look into it.

**19-0352 Budget Ordinance Amendment No. 20BCC000002 to Appropriate General Fund fund balance for the purchase of 10 Public Health Replacement Vehicles**

Ms. Freid confirmed the County had a policy to prioritize the purchase of alternative fuel vehicles, hybrid vehicles, and the most efficient vehicles. She added that there was a Leadership Academy group researching how to improve the County's fleet efficiency.

**19-0353 Budget Ordinance Amendment No. 20BCC000005 - Recognize \$24,500 from the Durham County Alcoholic Beverage Control Board for the Durham Drug Treatment Court**

The Board applauded the Criminal Justice Resource Center (CJRC) for applying for the grant. Gudrun Parmer, CJRC Director, acknowledged Roshanna Parker, CJRC Assistant Director, and Karen Shaw, Drug Treatment Court Case Coordinator, for approaching the Alcoholic Beverage Control (ABC) Board about their grant guidelines. Under the ABC Board's previous guidelines, the CJRC was ineligible to apply but the ABC Board voted to change their eligibility requirements in order to specifically allow the CJRC to apply for the grant funding.

Staff was suggested to invite the ABC Board members to the next drug treatment court graduation.

The Board commended everyone who wrote the AAFs for items 19-0353, 19-0354, and 19-0355 due to their detailed clarity.

**19-0354 Approval of Service Contract for Psychiatric Services at the Durham County Detention Facility**

The Board questioned whether 14 hours of psychiatric aid to the Detention Center was adequate. Dr. Patricia Knaudt, Durham County Detention Facility's Mental Health Director, discussed how the answer depended on the Mental Health Pod's goals. She explained they were meeting their

goal of treating their target population (people with serious and persistent mental illness, or SPMI), but were not able to treat many others in the detention center who could benefit.

The Board was open to hearing recommendations for additional services that included how the County could expand services, the population who would be reached due to expansion, and the costs of expansion.

Dr. Knaudt was concerned with the Detention Center's grant initiative to use Medicated-Assisted Treatment (MAT) for opiate use because doctor time would not be expanded.

Commissioner Reckhow described Helping HANDS, a Polk County, FL jail transition program in which community paramedics were involved with the discharge of inmates who had significant reentry issues (homelessness, history of not following up on appointments, etc.).

Dr. Knaudt and the Board discussed the possibility of using a Forensic Assertive Community Treatment (FACT) team in conjunction with community paramedics. Ms. Parmer reminded the Board about the State's decision to prohibit counties from providing mental health services.

General Manager Gayle Harris discussed the suspension of Medicaid coverage upon a subscriber's admittance into jail regardless of whether they were convicted of a crime. She hoped the Board would advocate for the Senate bill which would allow jails to bill Medicaid for services given to inmates.

**Directives:**

- **Gudrun Parmer to provide the Board with an outline of the services the CJRC provides and information regarding what would it cost for the County to provide mental health services to uninsured Durham residents (who were not in the Detention Center), and what the gap was. The material was to help inform the public about services the County provided and could not provide due to cost.**
- **Gayle Harris to provide the Board with the Senate Bill number which would allow jails to bill Medicaid for services given to inmates who had Medicaid coverage upon being admitted into jail.**

**19-0357 Award of Contract to Schneider Electric for Regular Preventative Maintenance Services on the BAS and Security Access System**

Upon questioning, County Manager Wendell Davis confirmed the County did not have a policy for staff to avoid entering into proprietary contracts when possible. He discussed why it was not advantageous or cost effective to operate in this manner.

Staff was suggested to consider including sustainability as a criterion when reviewing proposals to encourage looking at long-term implications.

**19-0365 Board of Elections Computer Rental Contract Approval**

Derek Bowens, Director of Elections, was asked to keep the Board informed about any major changes to early voting sites and hours.

Mr. Bowens addressed various questions posed by the Board regarding a backup system which included pollbook labels, the use of the laptop computers, how the new laptop computers compared to the previous ones, and how this contract was efficient in terms of cost and labor. He also addressed the Board's concerns regarding poll workers being trained enough to operate the laptops.

Commissioner Reckhow wished Mr. Bowens good luck in managing the upcoming elections.

Mr. Bowens announced the State Board of Elections would decide on August 23rd whether Durham would have early voting on Sundays. He clarified that one-stop absentee voting (i.e. "early voting") implementation plans required unanimity amongst local Boards of Elections, but one Durham Board of Elections member did not agree with Sunday voting. This prompted the State Board of Elections to make the final decision.

Mr. Bowens stated, should the plan be approved, early voting would take place at the CJRC rather than at the Board of Elections.

**19-0367 Execution of the Contract Amendment with CBRE/Heery, for Additional Services for the Moving Consulting and GovDeals Process Services for the Administrative Building II, 7th floor Upfit Renovation (former Judicial Building) Project No.: DC073**

Peri Manns, Deputy Director of Engineering and Environmental Services, confirmed that a typo in the AAF regarding MWBE participation would be corrected.

There were no comments made for the items below:

**19-0214 Budget Ordinance Amendment No. 20BCC000003 - Recognize Durham County Grant Revenue: "ULC Partners for Middle School STEM"**

**19-0355 Approval of Service Contract for Electronic Monitoring Services**

**19-0356 Award Contract for Security Access Control and Video Management Systems at various County Buildings**

**19-0359 Contract Renewal for Westaff**

**19-0360 Appointment to the Criminal Justice Advisory Committee**

**19-0361 Removal of Citizen Board Member Due to Poor Attendance**

**19-0362 Budget Ordinance Amendment No. 20BCC000006 - Recognize \$9,500 in Grant revenue from NC Tier II Grant from NC Emergency Management**

**19-0366 Board of Elections Voting Equipment Maintenance Contract Approval**

**19-0368 Execution of the Contract Amendment with Cameron & Cameron, for Additional Services for the Moving Services for the Administrative Building II, 7th floor Upfit Renovation (former Judicial Building) Project No.: DC073**

## **Discussion Items**

### **19-0371 SNAP Resolution**

The Board was requested to consider a resolution regarding a federal rule change proposal to update the regulation to refine categorical eligibility requirements based on the receipt of Temporary Assistance to Needy Families (TANF) benefits. The United States Department of Agriculture (USDA) was considering a rule change and published the proposed change, which would narrow the definition of categorical eligibility, in order to receive public comment.

The Durham County Board of Commissioners adopted a resolution in March of 2019 opposing such a change in the program when it was a legislative proposal. This recommended change was now being realized via a rule change. Public comment was being accepted through September 23, 2019 at the following website: [www.regulations.gov/document?D=FNS-2018-0037-0001](http://www.regulations.gov/document?D=FNS-2018-0037-0001). Such a change would potentially impact eligibility for SNAP for over 3 million citizens nationwide, impacting the working poor and seniors.

The Board discussed how this came about and why it was necessary to revise the resolution. There would be 30,000 people affected in Durham and many children in the United States would consequently lose their free and reduced lunch benefits at school.

Commissioner Howerton noted that Thom Tillis was a strong advocate of the SNAP program and she encouraged holding him accountable by contacting him via phone calls and letters.

#### **Directive: Staff to make the following revisions to the resolution:**

- **First whereas should state: “whereas proposed rule changes coming from the USDA will undermine broad-based eligibility and force states like North Carolina to decrease SNAP benefits, taking away food assistance from 30,000 North Carolina residents and 3.1 million Americans and threaten school lunch for 500,000 children.”**
- **The second to last whereas should include a reference to the impact of the school lunch program on children’s ability to learn**
- **The final whereas should reference how the rule change reduces categorical eligibility and the cost effectiveness of the current rule**
- **The therefore be it resolved portion should include a mention of the 30,000 North Carolina residents who would be affected**

### **19-0373 Paris Declaration to End the AIDS Epidemic and the Durham-Specific Fast Track Cities Resolution**

The Board was requested to review the Paris Declaration to End the AIDS Epidemic and the Durham-Specific Fast Track Cities Resolution prior to officially signing the documents during the August 12th Regular Session.

During the March 12, 2019 Joint City-County meeting, Ace Robinson, Senior Director of the Fast-Track Cities initiative with the International Association of Providers of AIDS Care (IAPAC), made a presentation and requested the Board and City Council join the international efforts to end the AIDS Epidemic. This effort would achieve the 90-90-90 targets (90% of people living with HIV knowing their HIV status; 90% of people who know their HIV-positive status on treatment; and 90% of people on treatment with suppressed viral loads) on a trajectory to get to

zero by 2030. He also requested the Board sign the Paris Declaration and adopt a Durham-Specific Fast-Track Cities Resolution. The Board referred the presentation to the Board of Health (BOH) and asked they respond with a recommended action.

Following Mr. Robinson's April 11, 2019 presentation to the BOH, the BOH voted to recommend that the Board of Commissioners sign the Paris Declaration and adopt a Durham-Specific Fast-Track Cities Resolution. The Board also recommended additional resources (1 FTE Navigator/Coordinator position and operational expenses) be allocated to support the recommended activities. The requested resources were approved and included in the County's FY19-20 budget.

Ms. Harris discussed the rate of new HIV infections and noted Durham was currently listed as having the sixth highest rate of new HIV infections (down from having the highest in North Carolina in 2012). She confirmed staff was collaborating with community partners to further this initiative. Ms. Harris stated that staff worked with pharmaceutical companies to get uninsured people free medication.

Vice Chair Hill was concerned uninsured patients were not being made aware of the emergency protocol to prevent HIV infection, otherwise known as post-exposure prophylaxis (PEP), by physicians or clinics when seeking care.

Ms. Harris discussed the procedures for people who were not compliant with appointments/medications or failed to provide their sexual partner history.

Ms. Harris stated that Durham's HIV rates were a Public Health performance measure, but they could escalate it to a dashboard measure and include it in the budget book.

**Directives:**

- **Staff to add this item to the Joint City-County Committee meeting agenda scheduled for Tuesday, August 13th.**
- **Staff to add a whereas to describe the programs Durham was currently operating in support of these efforts—e.g. the City-County Housing Opportunities for Persons with Aids (HOPWA) Sub-Grant Agreement.**

**19-0376 Revision to the Alcoholic Beverage Control Board Description**

At the July 8, 2019 Regular Session meeting the Board requested changes to the Alcoholic Beverage Control (ABC) Board description. An update was made to the description and vacancy announcement to provide more detailed information and the Board was requested to review these recommended changes.

Deputy Clerk Macio Carlton and County Attorney Lowell Siler discussed the recommended changes and how the proposed vacancy announcement language would reflect the types of people that would be desirable board members. Attorney Siler compared the ABC Board to a business and stated the County would benefit from having ABC Board members with business acumen, skills, and abilities.

Commissioners discussed the possibility of increasing the number of ABC Board members or making categorical specifications for positions on the ABC Board. It was noted the ABC Board specifically requested to not have categorical specifications for board positions (they favored listing preferred skills). There were concerns regarding categorical specifications potentially hindering people without academic degrees from becoming ABC Board members.

Attorney Siler advocated to not allow permit holders on the ABC Board.

The Board agreed to move forward with the proposed changes and the edits requested.

**Directives:**

- **Attorney Siler to confirm whether the County could legally create categorical specifications for positions on the ABC Board.**
- **Staff to add language to the effect of current permit holders not being eligible to serve on the ABC Board due to a conflict of interest to the description and advertisement.**
- **Staff to remove first and last bullet in the proposed vacancy announcement as well as remove the last sentence of first paragraph which read “the Chairman of the ABC Board is designated by the County Commission.”**
- **Staff to benchmark with other counties’ Boards of Adjustment and whether they had categorical specifications for positions such as legal expertise, land planning, real estate, etc.**

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Commissioner Howerton announced that she received an email from NACo acknowledging the work Durham County was been doing for young children. She shared that they recommended the County to the Pritzker Children's Initiative (PCI)—an initiative dedicated to building a promising future through investments in early childhood development—to apply for an invitation-only prenatal-to-age-three Community Innovation Grant. A letter of intent was due by September 6, 2019. Commissioner Howerton agreed to forward the email to Manager Davis.

**Directive: Manager Davis to route the email to the correct staff members in order to complete and submit the letter of intent by September 6, 2019 for the prenatal-to-age-three Community Innovation Grant from the Pritzker Children's Initiative (PCI).**

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County Manager Davis announced the Raleigh-Durham Airport Authority received a \$10 million grant from the Federal Aviation Administration (FAA) for reconstruction of a runway (taxiway B). He stated each of the owners of the airport had to accept the grant award and asked that the Board suspend the rules to delegate him with the authority to sign for acceptance of the \$10 million grant award for the reconstruction of the runway.

Commissioner Reckhow moved, seconded by Vice Chair Hill, to suspend the rules.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Vice Chair Hill, to delegate the County Manager with the authority to sign for acceptance of the \$10 million Federal Aviation Administration (FAA) grant award for the reconstruction of the runway known as Taxiway B.

The motion carried unanimously.

**19-0380 Review of BOCC Directives**

The Board chose to skip this item.

**19-0369 Closed Session**

The Board was requested to adjourn to Closed Session 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 pursuant to G.S 143-318.11(a)(3); in the matter of the following: Rodriguez vs. Michael Andrews, et al., Case Number 18-CVS-3012.

Commissioner Reckhow moved, seconded by Commissioner Howerton, moved to go into Closed Session

The motion carried unanimously.

**Reconvene from Closed Session**

The Chair announced that direction was given to staff.

**Adjournment**

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

The motion carried unanimously.

The meeting adjourned at 12:40 p.m.

Respectfully submitted,



*Tania De Los Santos*  
*Administrative Assistant*