

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

Monday, January 4, 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

Citizen Comments

Vice Chair Howerton wished to acknowledge the passing of Sharon Elliott-Bynum, Executive Director of Healing with CAARE, and stated that she would be missed.

Loretta Woodall requested an increase in EMS resources for Durham County and in particular the area surrounding her neighborhood of Carolina Arbors near Brier Creek. The EMS Capital Improvement Study called for a new EMS station at Leesville and Doc Nichols Roads, of which the neighborhood was also requesting be built very early in Phase One.

Commissioner Reckhow asked which nearest fire station could provide first response until the arrival of EMS. Ms. Woodall informed her that it would be a Bethesda fire station. Commissioner Reckhow inquired about their response time. Ms. Woodall did not have first responder information. Commissioner Reckhow offered a few different interim solutions. Manager Davis stated that he and Skip Kirkwood, Director of Emergency Medical Services, had become familiar with the neighborhood and asked Chief Kirkwood to speak.

Chief Kirkwood described the main problems of the area as being that there was no facility nearby and the adequacy of the number of ambulances on the road at any given time in Durham County. Commissioner Reckhow stated that the Board funded increases in the EMS department for the past two (2) years. Chief Kirkwood clarified that there were increases in the EMS budget, but no increases in EMS capacity; the increases were used to add more positions to allow employees to have vacation and to backfilled sick time. Commissioner Reckhow requested a full report on the item from Manager Davis. Manager Davis stated that they would plan a discussion for the February 1st Worksession and reminded the Board that the EMS budget increases and Facility Master Study, with respect to stations and sites, were prompted by past shortage issues.

Vice Chair Howerton inquired whether there had been any health issue incidents in which EMS did not arrive. Ms. Woodall clarified that EMS had arrived, but the problem rested in the

response times; she described two (2) instances in which the response times were too high, one of which resulted with a person's death.

Commissioner Jacobs questioned whether increased efforts in hiring helped with capacity issues. Chief Kirkwood confirmed that they did, but they were still trying to catch up with filling vacancies created by the cessation of EMS in the Parkwood Fire Department. Commissioner Jacobs suggested including information regarding progress and actions taken to improve services in the full report; she described the EMS employee pipeline that was being created by the City of Medicine academy.

Chris Tiffany spoke on the mistreatment and neglect of jail inmates in the Durham County Detention Center and requested an independent investigation of living conditions and inmate interviews be conducted.

Matt Whitt, researcher at Duke University, stated the goals of the newly formed Jail Investigation Team as wanting an independent community-led investigation into jail conditions, policies, and finances. He requested that a public comment period be held on at the January 11th Regular Session as well as a response to the list of demands presented to the Board on December 14th by protestors.

Stephanie Gans, Jail Investigation Team member, read a letter from an inmate in the Durham County Detention Center which highlighted why an independent community-lead investigation was necessary. She repeated the request for a public comment period to be held at the January 11th Regular Session.

Chairman Page informed her that the Board would discuss the request in the agenda prep meeting, as they typically did not respond to requests during Worksessions. Commissioner Reckhow requested a report from the Sheriff's Office regarding how many inmates were interviewed by the National Commission on Correctional Health Care (NCCHC), as referenced in the inmate's letter. Manager Davis agreed to contact the Sheriff for the information. Ms. Gans requested to be informed of how many inmates were interviewed once the Sheriff notified the Board.

Vice Chair Howerton was informed, during her visit to the Detention Center, that mail would not be prevented from being sent if an inmate did not have a stamp, but the inmate's account would be debited after the mail was sent out.

Commissioner Jacobs requested that Ms. Gans provide the Board with a written copy of what she presented.

John Tarantino performed a musical selection focusing on security and other issues relating to gun violence with a special emphasis on the events that occurred in San Bernardino, California.

Directives:

- **Present full report on the EMS budget increases and Facility Master Study, with respect to stations and sites, for the February 1st Worksession.**

- Sheriff's Office to send BOCC a report regarding how many Durham County Detention Center inmates were interviewed by the National Commission on Correctional Health Care (NCCHC).

Discussion Items:

16-814 Durham County Space Needs Analysis and Facility Master Plan Update Presentation

Manager Davis delivered opening statements regarding the Facility Master Plan and the events that led up to the update study.

Jay Gibson, Director of Engineering and Environmental Services, introduced Kevin Montgomery, Director of Architecture at O'Brien/Atkins Associates, PA, and Peri Manns, Senior Project Manager.

Mr. Montgomery presented the update to the Durham County Space Needs Analysis and Facility Master Plan. On March 9, 2015, the Board of County Commissioners awarded a contract to O'Brien/Atkins Associates, P.A. to update the Space Needs Analysis and Facility Master Plan. The original Master Plan was completed in March 2000, amended in March 2003, and required updating in order to address the current and project operational needs of the County due to growth in the population, legislatively mandated services, changes in technology, economic development and other factors. A series of surveys and meetings were held with various departments as part of this effort. The work was nearing completion and the architect would provide an update to the Board. The update would provide a comprehensive look ahead at space need requirements for service delivery, parking, storage, vehicle storage and etc. The update would also allow Durham County to make informed decisions about the future use of the DSS Main Street facility and other County owned facilities in preparation for the creation of the Capital Improvement Plan.

Commissioner Jacobs inquired whether there was analysis of the highest and best use of the General Services/Administration Building. Mr. Montgomery stated that there could be better use of that land which led them to envision other potential uses for the location. Commissioner Jacobs requested updates relating to this topic.

Commissioner Reckhow wondered why the Fire Marshal/Emergency Operations office could not be in the Judicial Building. Mr. Montgomery explained that it was due to the cost of upgrading the building to be in compliance with code requirements and because of its proximity to the rail line.

Commissioner Reckhow expressed her desire for a creative and cost-effective solution when determining where to park "retired" surplus police vehicles that were in the process of being decommissioned and auctioned. Mr. Montgomery confirmed that there would be. Manager Davis stated that the Board would be given a summary of the process the County initiated when decommissioning police vehicles.

Commissioner Jacobs questioned if there was any discussion about building onto the Human Services Complex. Mr. Montgomery confirmed that there had been and offered three options—one of which was not mentioned on the PowerPoint, but included building a tower inside the courtyard area.

Commissioner Jacobs and Mr. Montgomery discussed the feasibility of development wrappers in various parking lot structure plans.

Commissioner Jacobs requested information regarding the Youth Home as there had been no previous indication of a capacity issue. Mr. Montgomery clarified that the issue was more related to the condition of the building and facilities; there was some obsolescence to the facilities and security concerns. Vice Chair Howerton added that there was a group that had been researching this issue over the current year. Commissioner Jacobs requested that the gathered research data and information of the Youth Home be sent to the Board. Manager Davis stated that report would be brought forth and they could also schedule a tour in order to have the Board see the condition of the facilities.

Commissioner Foster inquired whether the County owned the property that housed the Youth Home. Manager Davis answered in the affirmative. Commissioner Foster suggested investing in something that benefited the community and the staff.

Mr. Montgomery stated that the County should consider acquiring more land if there was to be an expansion of the Detention Center. Commissioner Reckhow countered that the jail population was currently trending downwards due to alternative sentencing practices and pretrial services programs; and there were still inmates who should not be incarcerated such as those with misdemeanors or late child support charges. She stated that members of the judiciary were amenable to the potential expansion of pretrial services which could further lower the jail population.

Commissioner Reckhow asked when the Board would receive the written report. Manager Davis estimated the timeframe to be within late February to March. Commissioner Reckhow was concerned about short-term aberrations influencing the space-needs projections of buildings. Mr. Montgomery mentioned that CGL brought a national perspective and led the analysis of the needs of Social Services, they benchmarked with comparable communities in order to ascertain that the recommendation they brought forth was suitable. He stated that they would confirm the results of the analysis.

Chairman Page recognized George K. Quick, Chief Financial Officer, to speak. Mr. Quick reminded the Board to keep in mind the projects and financial commitments that were already in motion as they may limit the amount of new developments that could be initiated within the next five (5) years.

Commissioner Jacobs gave examples of situations, including possible future Medicaid expansions, in which Social Services would require more space and staff in order to accommodate the citizens that would need services and it was important to plan for them. She was also concerned with how to provide the best services; the Durham Directors Group found

that co-location of mental health services, public health, and social services was the most effective setup. She cautioned that when making decisions about buildings, decisions were also being made about the services that were being given. Commissioner Reckhow concurred and noted that that was the whole philosophy of constructing the building. Mr. Montgomery described three (3) options that would ensure the co-location requirement was met and mentioned that, depending on the budget, a bridge unifying two (2) buildings could be constructed if the services were separated.

Directive: Send report of gathered research data and information of the Youth Home to the BOCC.

16-837 Upper Neuse River Basin Association Update

Drew Cummings, Interim Deputy County Manager, introduced Forrest Westall, Upper Neuse River Basin Association Executive Director.

Mr. Westall presented the PowerPoint to the Board. The Upper Neuse River Basin Association (UNRBA) was formed in 1996 to provide an ongoing forum for cooperation on water quality protection and water resource planning and management within the 770-square-mile watershed. Seven (of the 8) municipalities, 6 counties (including Durham County), and local Soil and Water Conservation Districts in the watershed voluntarily formed the Association. The mission of the UNRBA is to preserve the water quality of the Upper Neuse River Basin through innovative and cost-effective pollution reduction strategies, and to constitute a forum to cooperate on water supply issues within the Upper Neuse River Basin by: Forming a coalition of units of local government, public and private agencies, and other interested and affected communities, organizations, businesses and individuals to secure and pool financial resources and expertise; Collecting and analyzing information and data and developing, evaluating and implementing strategies to reduce, control and manage pollutant discharge; and Providing accurate technical, management, regulatory and legal recommendations regarding the implementation of strategies and appropriate effluent limitations on discharges into the Upper Neuse River Basin. The nature and function of the UNRBA changed substantially in FY13-14 due to growing concerns with the nature of and potential liabilities associated with the Falls Lake Rules adopted by the state. In addition to their normal dues, which are based on both population and land area in the Falls watershed, each participating UNRBA jurisdiction also started paying a monitoring assessment. The assessments helped UNRBA to collect additional information about the watershed and lake water quality which should help Durham County and other participating governments ensure the Falls Lake Rules are revised to reflect better science and thus better public policy. Commissioner Reckhow added comments relating to UNRBA's accomplishments under Mr. Westall's leadership and cost effectiveness that was achieved by pooling resources of 14 jurisdictions; the UNRBA total budget was almost \$900,000 and Durham County's contribution was \$79,000.

Commissioner Jacobs inquired about water quality regulations and the BMP tools that local governments have at their disposal with the most effective, in terms of prevention, was the use of stream buffers; recent legislation was recently passed that limited the protections local jurisdictions could enforce. Mr. Westall described the most recent changes to the regulations and why they were changed. Commissioner Jacobs questioned whether the UNRBA would be able to assist the County in justifying larger buffers to the State if the need arose. Mr. Westall confirmed

that they could, but since there exists no absolute perfect buffer length the justification would heavily depend on professional, expert opinion. Commissioner Jacobs noted that some research showed that there exists a range of buffer length that would yield maximum benefits.

Commissioner Jacobs inquired as to the next step in changing the deadlines of Stage 1 and Stage 2. Mr. Westall informed her that he would be attending the Environmental Management Commission meeting and further explained the process.

Commissioner Reckhow suggested adding the BMP toolbox to the Durham County website once it was completed.

16-807 Proposed Amendments to the Durham County Solid Waste Ordinance

Motiryo Keambiroiro, Director of General Services, introduced Chrissie Koroivui, Waste Reduction Supervisor; Ozzie Day, Litter Control Investigator; and Brian Haynesworth, Solid Waste Program Manager.

Mr. Haynesworth discussed the amendments to Sections 20-4, 20-5, 20-16 and the addition of Section 20-18 to the Durham County Solid Waste Ordinance. The amendments and changes to the Ordinance were in response to Solid Waste Division staff's increasing need to reduce the number of illegal dump sites and nuisance properties located within the unincorporated areas of Durham County. New provisions to the Ordinance included establishing responsibility for litter found at illegal dump sites (*prima facia*), expanding the number of violations subject to civil penalties, increasing the amounts of penalties and fines for violating sections of the Ordinance, and establishing procedures for addressing nuisance properties within the unincorporated areas of Durham County.

Commissioner Foster inquired about the name of the paved road used as a dump site as displayed on the PowerPoint. Mr. Haynesworth did not have the information, but would send it after the meeting.

Commissioner Reckhow wondered if General Services had considered installing cameras on trees at places where regular littering and dumping occurred. Mr. Haynesworth acknowledged that they had considered it and would examine budget availability; they also considered other options such as the creation of a rewards system. He stated that they were attempting to begin the process of putting formal things in place to help with enforcement.

Commissioner Reckhow inquired whether solid waste included recycling and noted that the amendment required solid waste to be removed every seven (7) days, but the County picked up recycling every 14 days. Mr. Haynesworth affirmed that it was included and he stated that the correction would be made. Commissioner Reckhow was concerned about property owners outside of City limits who contracted with private haulers and asked if surveying was conducted to find out if any were on biweekly pick-ups. She was apprehensive of the possible increased expenses or negative economic impacts on households. Mr. Haynesworth stated that private providers were polled and described the information that was gathered. Commissioner Reckhow wanted to know what prompted the change in the waste pickup and bulk waste removal deadlines. Mr. Haynesworth explained that part of it was due to a change in culture—people who were accustomed to weekly pickups were moving into unincorporated County areas—and safety. Director Keambiroiro added that the ordinance contained language that exempted farmers from certain requirements.

Vice Chair Howerton inquired as to how much communication would be had with Rougemont residents before the ordinance amendment was enforced. Mr. Haynesworth described the ways in

which the County actively communicated with and educated residents regarding ordinance amendments and new policies.

Vice Chair Howerton inquired as to how the penalty fines would be collected. Mr. Haynesworth stated that they would collaborate with a revenue group in order to establish a system where the fines and penalties would be assessed and received. Director Keambiroiro added that the revenue group would also need to work with the Tax Office, this would enable the Tax office to accept penalties associated with solid waste. General Services was also trying to use the penalties towards a solid waste utility investment so the funds would be used to encourage more solid waste improvements within the County, e.g. renovation of convenience sites or bringing on more 96 gallon containers.

Vice Chair Howerton was concerned about incidents in which individuals were held accountable for dumped solid waste on their property. Director Keambiroiro clarified that using prima facia evidence—such as mail, would enable them to go after the culprits (or at least the owner of the vehicle from which the solid waste was dumped from) rather than the property owners.

Commissioner Jacobs thanked the panel for their initiative and demonstration of Goal 5 in the Strategic Plan, with respect to Visionary Government, and how the amendment would contribute to fulfilling other Goals. She inquired as to how all the necessary leg-work would be completed with limited staff. Mr. Day described the process he used after receiving complaints about nuisances, he stated he hoped that General Services would receive more resources to aid the enforcement.

Vice Chair Howerton asked if a warning or a fine would be sent for first violations. Mr. Day informed her that it would be a warning and fines would be used as last resorts, the objective of the ordinance is compliance.

Attorney Siler acknowledged that the work of tracking offenders was difficult and referenced the phrase “if you see something, say something” as being a method that would benefit the County and community.

Commissioner Reckhow questioned whether cross-training between departments was used as a way to have more “eyes and ears” in the community, it would make enforcement easier. Mr. Haynesworth stated that General Services had often collaborated with other County departments and they would ensure it continued. Director Keambiroiro added that Ms. Koroivui collaborated with department ambassadors and presented relevant information to new employees during New Employee Orientation. Commissioner Reckhow suggested speaking with a few key people to spread the information upon the amendment’s approval.

Director Keambiroiro stated that they would add the amendment to the consent agenda for the January 11, 2016 Regular Session.

16-821 DSS Report on Able Bodied Adults without Dependents

Michael Becketts, Department of Social Services Director, presented a report about State legislation that went into effect on January 2016 that impacted approximately 2,700 Durham residents relating to their food and nutrition benefits. Social Services implemented new procedures for Able Bodied Adults without Dependents (ABAWDs) ages 18-49 who were now required to work, volunteer, or be in school at least 20 hours per week to be eligible for food benefits for more than three months. If they failed to verify the required 20 hours, they could lose food stamps for up to 3 years.

Vice Chair Howerton inquired about people who were employed but were not earning enough to

not need the food benefits. Rhonda Stevens, Assistant Director, clarified that DSS staff would be looking at the number of work hours performed.

Commissioner Reckhow inquired whether the Volunteer Center would be used to help applicants who could not find work and were not interested in going back to school. Ms. Stevens confirmed that they would and they had made efforts to get volunteer opportunities information to the public.

Director Becketts noted that DSS was allowed latitude when defining which tasks would be considered eligible activities. Commissioner Reckhow suggested they speak with Director Keambiroiro about volunteer opportunities in relation to solid waste dumping site cleanups.

Commissioner Jacobs thanked the panel and showed concern for the impact it would have on the community. She questioned how substance abuse or mental unfitness could be verified. Ms. Stevens explained that they would look at the applicant's history and find ways to be able to support the applicant's exemption. Director Becketts added that applicants would essentially need to provide a letter from an organization that treats to the corresponding exemption category, but they would not need to present a letter every month.

Commissioner Jacobs, Director Becketts, and Ms. Stevens discussed workforce development and volunteer programs through DSS and the methods that would be used to help affected applicants fulfill eligibility requirements.

Commissioner Jacobs concurred with Commissioner Reckhow's suggestion of creating County volunteer positions within General Services or other departments as needed. Manager Davis agreed to look into the possibility. Commissioner Reckhow suggested notifying the City as well due to their many parks and recreation centers that required management.

Manager Davis wished to acknowledge Director Becketts, Ms. Stevens, and Pinkie Davis-Boyd, Program Manager, for their efforts in increasing the amount of applications that were processed into the NC FAST before the end of 2015 in order to remain in compliance.

Vice Chair Howerton thanked the panel for the presentation as well as their work for the community.

Adjournment

Commissioner Reckhow moved, seconded by Commissioner Jacobs, that the meeting be adjourned.

The motion carried unanimously.

Respectfully submitted,

Tania De Los Santos
Administrative Support Assistant