

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

Monday, August 1, 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

James Chavis spoke on quality education in Durham Public Schools and how a lack of literacy would prevent positive educational outcomes for students as well as lower the number of job opportunities they were able to access in the future.

Alvin Fudge requested that the Board aid him in his efforts to start Narcotics Anonymous (NA) meetings for recovering addicts in Durham County. It was a free program and would help citizens to stay clean and stable enough to find gainful employment. He handed out informational documents to the Board.

Jim Svava spoke on housing stabilization grants and efforts to offset the unexpected tax increase for low income families that had a disproportionate increase in their tax assessment (60% or more which was 5 times higher than the County-wide average) due to the market forces in their area. The increase would be destabilizing, could consume money that would have been used to maintain housing and also threatened the welfare of the County residents—this was, in effect, a local government created emergency that it should presently help to deal with. He calculated that there were approximately 250 total households that would benefit from the program. He hoped the Board would request that the City and County Managers collaborate and prepare suggestions about how the grant program would work, who would administer it, the criteria for selecting a nonprofit, and the approach the County Attorney recommended; they would also need to identify the source of funds that would be used for the program. The compiled suggestions could be presented at the Joint City-County Committee meeting on September 13, 2016 and would enable the Board to quickly act on them if they chose.

John "Giovanni" Tarantino performed a musical selection for the Board.

Discussion Items:

16-1183 Replacement Appointment to the 2016 E&R Board

The Board was requested to appoint a member to the Board of Equalization and Review to replace a resigning member of the Board.

A resolution was adopted in February 2002 per North Carolina General Statute 105-322 to appoint a special Board of Equalization and Review to hear tax appeal matters. Members of the 2016 Board of E&R were appointed on January 25, 2016. Due to the resigning of a member, the resolution adopted required that the Board of County Commissioners appoint a replacement. Commissioner Fred Foster recommended Mr. David Williams to serve on the 2016 Board of E&R due to the recent vacancy of his original appointee. Due to the urgency of this appointment, the Board was requested to suspend the rules and make the appointment to ensure the hearings for the reappraisals could be completed.

Vice Chair Howerton moved, seconded by Commissioner Reckhow, to suspend the rules in order to appoint an individual to the 2016 Special Board of Equalization and Review.

The motion carried unanimously.

Vice Chair Howerton moved, seconded by Commissioner Jacobs, to appoint David Williams to the 2016 Special Board of Equalization and Review.

The motion carried unanimously.

16-1210 Women's Commission Annual Update

The Board was requested to receive the annual report from the Durham County Women's Commission.

Zion Tankard, Women's Commission Chairperson, introduced Women's Commission members Rosa Anderson, Lisa M. Gabriel, and the Vice Chair Kimberly Cameron. She stated that the purpose of the Women's Commission was to serve as the advisory body of the status of women for Durham County and their presentation focused on affordable housing.

Ms. Cameron presented a PowerPoint to the Board that advocated for a more comprehensive approach to housing and mental healthcare, for low-income women and mothers especially, within the existing systems of social service in Durham County. Topics that were discussed were the vulnerability of the very low-income, rental burdens for women and young households, employment disparities by sex, greater funding for child care, supportive housing and vouchers, and mental health initiatives.

Chairman Page appreciated the information in the presentation and suggested passing it on to the Department of Social Services as it would be extremely helpful.

Commissioner Jacobs thanked the panel for their diligent work and invited them to present the

information at a future Durham Directors' Group meeting. She stated that Women's Commission pulled together interrelated issues and it would be helpful to have the relevant directors discuss them together.

Vice Chair Howerton thanked the Women's Commission and added that the information presented was not necessarily new; she encouraged them to further their work in addressing the root causes of disparities in the community and finding solutions.

16-1132 Proposed FY17 Planning Department Work Program

The Board was requested to approve the proposed FY17 Planning Department Work Program. The Interlocal Cooperation Agreement between the City and County for merged planning functions charged the Planning Director with preparing and submitting to the Joint City-County Planning Committee, the Planning Commission and both Managers a work program and annual budget that must be forwarded to both governing bodies for approval. The proposed work program was structured on the Department receiving sufficient resources for 38 full-time employees, several professional consultant contracts, and operational overhead. Staff resources were fully allocated for the tasks reflected in the proposed work program with no capacity to take on additional tasks without either revising the work program to modify tasks by deleting existing tasks or changing expected outcomes and/or timelines.

Steven L. Medlin, AICP, Planning Director, described the components that made up the Work Program.

Commissioner Reckhow and Director Medlin discussed the implications of Section 4, Item 4.4.3 NFIP Community Rating System as they related to the City. Commissioner Reckhow added that she frequently received complaints from citizens regarding storm water runoff and hoped staff would focus on it in the future. He stated that Storm Water staff had worked closely with individuals to flood proof or do whatever necessary if it was deemed that they were affected by storm water runoff; this seemed to be more frequent within older subdivisions.

Commissioner Jacobs was glad to see the (3.2.3) Patrol Program and wondered whether any thought had been given on how to allow the public to aid in this—they could encourage members of the public to text pictures of problems to Planning staff. Mr. Medlin stated that they had discussed the idea and that the current program was mostly public-complaint driven. Commissioner Jacobs thanked Mr. Medlin for including the (4.1.9) Compact Neighborhood Affordable Housing Density Bonus and responding to the community's desires.

Commissioner Foster questioned the status of the Junction Road (Industrial Park) project. Jay Gibson, General Manager of Environmental Stewardship and Community Prosperity, described the current status of the project. Commissioner Reckhow recalled a previous request that an opinion be sought from Planning as to the appropriateness of a possible rezoning before the property was invested in. Mr. Gibson and Mr. Medlin stated that they had discussed what the possibilities of rezoning were.

Vice Chair Howerton wondered whether Riddle Road was on the Work Program and hoped something would be done to address comments presented by Thelma White, a Durham citizen.

Mr. Medlin informed her that that was more related to Public Works than Planning and he was not aware if they had programed anything into the system to address Ms. White's concerns.

16-1171 Compact Neighborhood Future Land Use Map Update

The Board received a presentation on the Compact Neighborhood Future Land Use Map Updates by Hannah Jacobson, AICP, Planner.

Commissioner Reckhow and Scott Whiteman, AICP, Planning Supervisor, discussed the Planning Commission's vote against recommending approval. Commissioner Reckhow was concerned with having some standards within the design district that would help with affordable housing issues by not granting such intense by right without getting something in return for the community. Sarah Young, AICP, Planning Department Assistant Director, clarified that the Land Use and the Future Zoning were both confusingly called Design Districts, but zoning was not changing at the moment and they were basically only refining the line. Commissioner Reckhow inquired whether the Zoning Ordinance could be amended to reduce what was allowed by right. Ms. Young informed her that via three (3) different projects, staff was reexamining and calibrating the appropriate level of density with the notion of incentivizing affordable housing.

Commissioner Jacobs wondered if there were any other tools that could be used quickly to prevent undesirable re-zonings. Ms. Young stated that the Planning Department has pushed to have everything master planned in order to ensure cohesiveness, but in the Unified Development Ordinance there were very few districts that were allowed in the Future Land Use. Mr. Whiteman added that the area in question was zoned as RS20 and did not allow a high by right density—if a developer wanted to do something more intense, then they would be required to seek a re-zoning through the City or County and could be denied for failing to meet expectations.

Vice Chair Howerton thanked staff for their work and wondered how people would be educated to guarantee they understood what was happening and the differences between projects.

Commissioner Foster wondered how this lined up with GoTriangle's light rail project and why certain neighborhoods were excluded from the Compact Neighborhood Future Land Use plans. Ms. Jacobson stated that they attempted to identify areas that would have future changes. She added that the Compact Neighborhoods were designed around the locations where stations and park-and-ride lots were intended to be.

Commissioner Reckhow and Commissioner Jacobs were concerned with the environmental impacts, especially those dealing with runoff due to development. Commissioner Jacobs stated that it was important to address pedestrian accessibility as well as greenery.

Ms. Jacobson announced that there would be a public hearing on August 22, 2016.

Commissioner Reckhow encouraged the panel to keep the Board updated of this and similar matters in order to ensure they were able to answer any citizen questions in the future.

16-1182 2016 Advanced Funding General Obligation Bonds Series 2016

The Board received an informational update of the Series 2016 Advanced Refunding by George Quick, Chief Financial Officer. The presentation was designed to provide the Board with information regarding the unique funding requirements associated with the Series 2010B Build America Bonds (BAB's) which would be refunded (refinanced) along with Series 2012 and 2014 General Obligation Bonds.

Mr. Quick explained that BAB's were general obligation bonds that were priced at a taxable interest rate and the issuer received a subsidy from the government to the amount of 35% of the interest cost; the subsidy had reduced due to changes made by congress and was currently 32.62%. Mr. Quick stated that they hoped to remove the political risk of any further reduction in the subsidy while also achieving some savings for future debt. The uniqueness of the bonds was that they were able to do an advance refunding, meaning that the County would refund them at this time, but the maturity of the bonds was at a future date.

Mr. Quick described the normal process of advance refunding which included issuing bonds and using proceeds to buy investment instruments; as a result the bonds would then be put into an escrow—the escrow was sufficient to service the debt on the bonds throughout the remaining life. In the County's situation, it was required to take the amount of the subsidy that would be received over the bond's life and add it to the escrow. He communicated that the Board would be requested to allow that approximately \$1.9 million be moved out of the debt service fund—which had more than enough to cover the amount over the time needed—and into an escrow account. The \$1.9 million would be recovered as the government subsidy was paid to the County by the federal government over the remaining life of the bonds.

Manager Davis clarified that all County issued bonds had call provisions, some of which matured faster than others. The call provisions on the small number of BAB's bonds were not quite due, but were a part of a larger refinancing that was being completed. Since they were not due, the subsidy that Mr. Quick was referring to was addressing that portion of those BAB's bonds.

Commissioner Jacobs wondered what made the County issue the BAB's bonds. Mr. Quick explained that they were done during a time in which the government was pushing different financial options to get the economy going and the achieved rate was in the County's favor. Commissioner Reckhow added that they were a part of the President's stimulus package, i.e. the American Recovery and Reinvestment Act of 2009.

Mr. Quick announced that there would be a public hearing on the bonds on Monday, August 22, 2016 and at the close of the hearing the Board would be asked to pass a resolution; included in the resolution would be an authorizing provision to move the \$1.9 million to the escrow account.

16-1066 Judicial Parking Deck Operations

Mr. Quick presented to the Board on the operations of the Judicial Parking Deck.

Vice Chair Howerton inquired whether County employees would be operating the lot. Mr. Quick informed her that the Lanier Parking Solutions would be operating the deck.

Commissioner Jacobs questioned if there was any data on the average usage and revenue generated on weekends and nights. Mr. Quick stated that he only had total usage data, they had not yet broken it down to specifics.

Commissioner Reckhow spoke on the convenience of the parking deck's location for people attending baseball games and other stadium events. She suggested having signage around and/or in front to inform people that there was available parking there—preferably on Roxboro and Mangum Street. Commissioner Jacobs concurred and believed this was necessary to increase revenue—noted that revenue had stayed stagnant even though more events were occurring in the downtown area.

Vice Chair Howerton questioned what the differences in annual maintenance repair costs were due to. Mr. Quick clarified that the first two (2) years represented an agreement made with a maintenance company, but the agreement was not renewed after the County realized that it would be more affordable to pay them per maintenance request—i.e. pay them to repair any maintenance problems as they came up rather than contract them for the year.

Mr. Quick announced that he had been in contact with American Tobacco staff regarding the agreement made with the County for the South Deck which required them to have free parking on the lower level. American Tobacco was requesting to amend the lease in order to charge for parking on the lower level citing that the City was planning to install nearby street meters for paid parking in the near future. Commissioner Reckhow suggested for staff to analyze the pros and cons, how much American Tobacco planned to charge, as well as how much more to charge American Tobacco commensurate with their additional revenue. Manager Davis stated that the finance department could complete due diligence and present to the Board at a later date.

Vice Chair Howerton noted that the County was moving in the direction of larger urban cities in which people without the proper income or resources were really penalized via housing expenses and transportation costs. Commissioner Jacobs added that this would increase the importance of affordable transit options.

Directive: Commissioner Reckhow suggested for staff to analyze the pros and cons, how much American Tobacco planned to charge, as well as how much more to charge American Tobacco commensurate with their additional revenue.

16-1124 Amendment Discussion for Parking Ordinance Chapter 24 Amendment

The Board was requested to receive the staff report for the proposed changes to the County Parking Ordinance (Chapter 24). Staff wanted policy direction regarding the aspects of a proposal to amend the County Parking Ordinance to include two new parking areas, public use after business hours for certain lots, and the changeover of primary enforcement of the ordinance from the Sheriff's Office to the contract security vendor.

Commissioner Reckhow pointed out various errors in the Parking Ordinance Chapter 24 Amendment document. Ed Miller, Security Manager, took note and assured her that they would be fixed.

Commissioner Reckhow noted the fine of \$10 for violators was too low, it did not cover the costs of issuing and collecting the fine. She did not want to price gauge, but suggested making it worth the effort to collect the fine. Motiryo Keambiroiro, Director of General Services, stated that all collected fines went directly to Durham Public Schools. Commissioner Jacobs encouraged looking into what the City charged and using similar figures.

Commissioner Reckhow believed that people should be allowed to park for free at the Cooperative Extension building parking lot. Ms. Keambiroiro brought up that Delphine Sellars, County Extension Director, had evening and weekend programs and there was already very limited parking for attendees. Commissioner Reckhow suggested speaking with Ms. Sellars to ensure that the times allowed for public parking were adjusted to begin after her programs were finished. Chairman Page was not comfortable with allowing people to park in that lot due to the nearby bars and wondered if there were any liability concerns. Attorney Siler was not aware of liability concerns, but noted that the parking lots would need to be maintained and secured more if they were to begin charging for their use. Mr. Miller stated that they had signs to let people know that the County was not responsible for lost/stolen/damaged property.

Commissioner Jacobs asked how many spaces were there total in all the lots. Ms. Keambiroiro stated that there were a little over 1,200 spaces. Commissioner Jacobs was proud that the County was doing its part in helping with parking alleviation for people visiting downtown.

Commissioner Jacobs asked what the total cost would be for creating the signs, hiring security, dealing with towing, and administering the fines. Ms. Keambiroiro did not have a total estimated cost yet, but would have it ready at a later date. Commissioner Jacobs and Mr. Miller discussed security plans for the parking lots.

Ms. Keambiroiro predicted that as more on-street paid parking was established, the practice of abandoning vehicles or parking for extended periods of time would become more prevalent, especially by people who lived in their vehicles.

Chairman Page requested that ODS officers be made aware of who the County Commissioners were. Commissioner Reckhow described her experience of attempting to park in an employee lot and not being allowed to by an ODS officer. The Board, Ms. Keambiroiro, and Mr. Miller discussed giving the Board and leadership special parking placards.

Directive: Commissioner Jacobs requested the total cost for creating the signs, hiring security, dealing with towing, and administering the fines.

Directive: Chairman Page requested that ODS officers be made aware of who the County Commissioners were.

16-1191 Durham County Naming and Renaming Policy

The Board was requested to review and discuss the attached draft of a Naming and Renaming Policy.

Commissioner Reckhow felt that it contained all the requirements the Board had previously requested. Vice Chair Howerton concurred. Commissioner Jacobs appreciated that certain actions and decisions were left to the discretion of the Board.

The Commissioners agreed that the item would be placed on the Monday, August 8, 2016 consent agenda for action.

Commissioner Reckhow's Conference Report

Commissioner Reckhow discussed her conference report of the National Association of Counties (NACo) annual meeting; topics included jail diversion, the opioid epidemic, and the importance of first responders having Narcan. Narcan was an effective treatment for opioid overdose and Adapt Pharma was providing a free box of the substance to every high school in the country. Commissioner Reckhow also attended a screening of the film *Resilience: The Biology of Stress and the Science of Hope* which addressed the science of Adverse Childhood Experiences (ACEs) and the birth of a new movement to prevent and treat toxic stress. Extremely stressful experiences in childhood could alter brain development and have lifelong effects on health, behavior, and educational outcomes. *Resilience* showed that appropriate interventions could prevent and treat toxic stress.

Commissioner Jacobs remarked that it was good that manufacturers were letting high schools get Narcan for free and suggested providing an educational class or campaign in Durham Public Schools regarding opioid overdose. She noted that there seemed to be much overlap between this campaign and the Cure Violence program. Gayle Harris, General Manager of Public Health and Community Well-Being, stated that it was not addressed directly in the Cure Violence model, but they could discuss it with the Durham Directors.

Vice Chair Howerton spoke on a child trafficking session that she attended.

Commissioner Foster emphasized that not much progress would be made if the County and County-funded organizations—such as DPS and Social Services—did not use readily available tools to their advantage. He believed that the ACEs tools should be used on children as well as on their family members; they were all connected and would all benefit from treatment.

Chairman Page commended Commissioner Reckhow on her report as it enabled him to thoroughly know and understand what happened at the conference.

Closed Session

The Board was requested to adjourn to Closed Session pursuant to G.S. 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee; and

pursuant to 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.

Commissioner Jacobs moved, seconded by Vice Chair Howerton that the Board move to Closed Session.

The motion carried unanimously.

Reconvene from Closed Session

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

Chairman Page acknowledged Commissioner Jacobs to speak. Commissioner Jacobs hoped that the Human Services parking lot would be discussed in the Tuesday, September 6, 2016 Worksession. Manager Davis stated that staff was still getting the details in order and proposed a Special Meeting on Monday September 12, 2016 at 4:30 p.m. The Board discussed availability and agreed to have the Special Meeting on Monday September 12, 2016 at 5:00 p.m.

Manager Davis reminded the Board of National Night Out taking place on Tuesday, August 2, 2016. He also wanted to recognize and congratulate Marie Inserra for the publication of her book.

Adjournment

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

The motion carried unanimously.

Respectfully submitted,

Tania De Los Santos
Administrative Assistant