

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

Tuesday, October 4, 2016

10:00 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

Agenda Adjustments

Lowell Siler, County Attorney, requested that a Closed Session be added to the agenda.

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 personal matters.

James Chavis requested census records from the years of 1900 to 2016. Commissioner Jacobs requested a report on the matter from Manager Davis in order for the Board to fully understand the request. Manager Davis stated that he would speak with Mr. Chavis.

Faye Calhoun, Associate Director of the JLC Biomedical/Biotechnology Research Institute at North Carolina Central University (NCCU), stated that NCCU was excited about being included in the Durham-Orange Light Rail Transit network and the stop would be in a very ideal location for the various schools in the university. She believed it would serve many students including those enrolled at Durham Technical Community College. The addition would also help increase collaborations between NCCU and neighboring universities such as Duke and UNC at Chapel Hill.

Reverend Melvin Whitley, President and Chairman of Action NC, was excited that Durham County was giving its employees family leave (Paid Parental Leave) and felt that it demonstrated family friendliness. He requested that the paid leave last 12 weeks and that both parents be given 12 weeks each if they were both County employees. He suggested that research be gathered on family leave issues as it would help future development of public policy and let private businesses determine whether it was good business sense to follow suit.

Jeannine Sato, NC MomsRising member, was in support of Paid Parental Leave. She added that it improved maternal and child health as well as helped families avoid preventable financial

burdens—having a child was the number one (1) cause of temporary poverty in the country.

Carl Rist, Chair of the Economic and Equality Committee for the Durham People’s Alliance, detailed the income inequality in Durham and urged the Board to adopt the \$15 Per Hour - Living Wage Policy. He supported Paid Parental Leave and echoed previous requests for providing 12 weeks of paid leave to both parents if both worked for the County as well as studying the use of the current Donated Leave Policy while it was potentially expanded to a full Paid Family Leave Policy.

Allan Freyer, Director of Workers’ Rights at the NC Justice Center, was in support of Paid Parental Leave and flagged two (2) concerns with the policies as currently written, as follows: 1) if both parents work for the County, one would essentially forfeit their 12 weeks; it seemed to disadvantage County employee parents that were together. 2) The use of a Donated Leave Policy for a broader Family Medical Leave Act (FMLA) and whether it would provide adequate support—he suggested a research study be performed to ensure this would meet the needs of the employees.

John Tarantino of Tarantino Satire of Durham performed a musical selection that warned against distracted driving.

Jackie Wagstaff stated that the Light Rail would not be as affordable as the DATA bus and she believed that the extension to NCCU was added for the sole purpose of garnering support from the Board, poor people and people of color. She urged the Board to receive feedback from the intended ridership.

Directive: Commissioner Jacobs requested that the Board be provided with a report on the census records from the years of 1900 to 2016 from Manager Davis in order for the Board to fully understand the citizen request.

Discussion Items:

16-1272 Removal of Citizen Board Member Due to Poor Attendance

The Board was requested to remove the following member from the Women’s Commission in keeping with the Attendance Policy approved by the Board of County Commissioners in August, 2014. “If an appointee has absences (excused or unexcused) which constitute more than 50% of the meetings in any calendar year or three (3) consecutive unexcused absences or five (5) consecutive excused absences in any calendar year, he or she is obligated to resign.”

- Jatinder Dhillon

The Clerk’s Office was notified by the Women’s Commission of the absences and attempted to contact the board member. There had been no response.

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

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Commissioner Jacobs, that Jatinder Dhillon be removed from the Women's Commission due to poor attendance.

The motion carried unanimously.

16-1309 Update from Research Triangle Foundation of North Carolina on Park Center Phase I

Smedes York, Research Triangle Foundation of North Carolina (RTF) Board Chair, and Dr. Phail Wynn, Jr., RTF Board Vice Chair, updated the Board on changes in the Research Triangle Park (RTP) leadership and on progress of the Park Center Phase I development.

Commissioner Reckhow stated that the County fully supported the project and had a major stake in it—the County committed \$20 million over the next 10 years to help with infrastructure. The County made the investment with a specific vision in mind: to help convert RTP into not a place to just work, but also to live and play. She requested quarterly written updates in the future. Mr. York agreed to the arrangement.

Commissioner Jacobs thanked the RTF board and staff for their work. She reiterated that the County was very invested in the project's success and hoped that they would continue to push the goal for innovation in the project. Dr. Wynn remarked that not only were they including innovation in the development, but they also expected to have a crosspollination of ideas between researchers and entrepreneurs as the development moved along which would also lead to innovation in other ways.

Vice Chair Howerton thanked them for sharing the status of the development as it provided transparency for the community.

Manager Davis inquired as to whether they would look for an onsite construction manager at risk model to manage day to day project development. Dr. Wynn informed him that the development committee was scheduled to meet at 2:00 P.M. on the current day to discuss that subject and they would be able to answer that the following day. Vice Chair Howerton wondered if after all the decisions were made, there would be a website available to the public in which they could read about the projects and any related information. Dr. Wynn stated that his staff was nodding yes and, thus, he assumed this would be the case.

Directive: Commissioner Reckhow requested quarterly written updates from the RTF in the future regarding the project.

16-1302 Update on the Durham-Orange Light Rail Transit (D-O LRT) Project and Proposed Extension to NCCU

The Board received an update from Danny Rogers, GoTriangle Project Director for the D-O LRT, on the project and was briefed on GoTriangle's effort to extend the D-O LRT Project to North Carolina Central University (NCCU). This would require the Durham-Chapel Hill-

Carborro Metropolitan Planning Organization (DCHC MPO) to amend the Locally Preferred Alternative (LPA) and the 2040 Metropolitan Transportation Plan (MTP). GoTriangle requested that the Board take formal action in support of amending the LPA to include NCCU and the 2040 MTP. On November 9th, the DCHC MPO Policy Board was anticipated to open the public comment period related to these amendments and, at their December 14th meeting, the DCHC MPO Policy Board was anticipated to vote on the amendments of the LPA and MTP.

Mr. Rogers stated that the General Assembly imposed a \$500,000 funding cap on light rail projects in NC in 2015; this prompted concern from the FTA regarding the financial planning of the project and GoTriangle was requested to defer their application in engineering. He stated that a budget was determined after a project was moved into the engineering phase and the Federal Transit Administration (FTA) would participate in 50% of the funding with anything that was in the project at that time—any additions made after that point would have to be entirely locally funded. The deferment allowed management to examine the project and accommodate requests for a NCCU station. He also noted that it would have the highest ridership in Durham according to their ridership models.

Commissioner Jacobs asked what the estimated ridership for the NCCU station was. Mr. Rogers responded that it was around 2,000. Commissioner Jacobs concurred that linking the three universities (NCCU, Duke, UNC at Chapel Hill) would create opportunities for work, education, and entertainment. Commissioner Jacobs strongly supported the proposed extension to NCCU.

Commissioner Reckhow supported the proposed extension to NCCU and felt that the location served the sports facilities as well as the nearby graduate program buildings. She inquired about the investigation regarding a downtown stop near Corcoran Street or Blackwell Street. Mr. Rogers stated that it was still an ongoing investigation in terms of feasibility, but they had decent ridership estimates and it would likely be included if all went well.

Commissioner Reckhow stated that the MPO board would be discussing the matter on October 19th and she believed it would be beneficial if the Board went on record before then as it would help the project stay on its strict timeline—she noted that the City Council had already taken action after suspending the rules at their meeting.

Vice Chair Howerton thanked GoTriangle staff for the update and for reconsidering and refocusing the transit line.

Commissioner Foster moved, seconded by Commissioner Jacobs, to suspend the rules to provide authorization to move the extension along.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Commissioner Foster, to approve the extension to NCCU in the D-O LRT Project.

The motion carried unanimously.

Directive: Commissioner Reckhow requested that a certification be created for the approved action as soon as possible in order to have it available for the MPO meeting.

16-1303 Predictive Analytics and the Department of Social Services Child Welfare Services

DSS leadership worked to develop a multi-faceted approach for reducing the growing number of children entering foster care. An effective approach would require the following to be addressed simultaneously: the insufficient number of foster homes in Durham (both traditional and therapeutic), the inadequate foster parent stipend—foster families were assuming a financial burden by having children placed in their care—and the wealth of historical data about the children and families who came to the attention of DSS being used to understand how to best serve the community and to develop abuse and neglect prevention strategies.

Manager Davis discussed the multiple meetings held with Deloitte Consulting, LLP to investigate how data could be used to assist DSS to best serve families and children by using predictive analytics. The use of predictive analytics in other local and state governments was a proven strategy that more efficiently used resources to meet the child welfare services demand. He thanked Michael Becketts, Director of Social Services, and Gayle Harris, General Manager of Public Health and Community Well-Being, for their work and leadership.

Commissioner Reckhow and Mr. Becketts discussed toxic stress and Commissioner Reckhow believed that the Comprehensive Child Assessments administered to foster children and their original families should also include the child's new foster families.

Mr. Becketts stated that the County covered all expenses associated with placing undocumented children in foster care—undocumented immigrants were ineligible from receiving state or federal benefits or funds. Commissioner Foster inquired as to how many undocumented children were in foster care and wondered whether they could have been placed in foster care to receive some of the services they were ineligible for. Mr. Becketts stated that Durham County had six (6) undocumented children in foster care which were placed there pursuant to allegations of abuse and neglect or sexual abuse; there was not a known case in which people were using the system to receive services. Mr. Becketts added that the undocumented child placed in a psychiatric facility was placed there after having been placed in a foster home due to a risk of harm to herself.

Shelley Mills-Brinkley, Managing Director at Deloitte; Beverly “BJ” Walker, Director at Deloitte; and Kevin Bingham, Principal at Deloitte, discussed the components of using predictive analytics for child welfare purposes and how the integration of predictive analytics in the County’s Managing for Results environment provided a platform for using data to make a difference in how DSS used its allocated resources as well as in how the County developed prevention-based services and programs. The best way to reduce the number of youth in foster care was to develop community based interventions that served to prevent abuse and neglect from occurring.

Commissioner Foster and Mr. Becketts discussed why the services of Deloitte Consulting, LLP were needed for this work and how predictive analytics would lead to the creation of prevention methods in the community to reduce the number of children entering into the foster care system.

Mr. Becketts agreed to provide foster care demographic data to the Board within a week.

Commissioner Jacobs commended Mr. Becketts in that he worked towards finding different and better ways to do things; he exemplified leadership. She added that the increase in the number of children in foster care was happening in all of North Carolina, not just in Durham. This led her to believe that it was a possible symptom of other social problems.

Commissioner Jacobs inquired as to the source of funding for predictive analytics. Manager Davis and Ms. Harris discussed possibly generating the revenue through draw-downs, but planned on also including the Board in future discussions. Vice Chair Howerton requested an estimated cost. Ms. Mills-Brinkley stated that it would be a little over \$1 million and would include the technology integration process.

Commissioner Jacobs wondered how much DSS was currently spending for Foster Care and Child Welfare. Mr. Becketts stated that the information would be sent to the Board by Wednesday, October 12, 2016.

16-1284 Update from Urban Ministries of Durham

The Board received an update report from Sheldon Mitchell, Executive Director of Urban Ministries of Durham, regarding Urban Ministries of Durham.

Durham County Government had been a long-time supporter of Urban Ministries of Durham (UMD). In addition to having secured funding to build the shelter side of the facility, which the County still owned and UMD managed under a long-term lease, the County made substantial annual grants to UMD to help cover operational costs for Durham's main, non-denominational emergency shelter. The County's support nearly doubled from FY10-11 (\$164,440) to FY16-17 (\$304,060), investments helped add reception staff, security, and additional day-service center functionality. As part of their service contract with the County, Urban Ministries provided quarterly reports covering agreed-upon metrics. Included in this agenda item for informational purposes were the FY15-16 final report as well as UMD's 2015 annual report.

Commissioner Reckhow inquired if there were wraparound services once residents were rehoused. Mr. Mitchell confirmed that there were. Commissioner Reckhow wondered if the root cause of people becoming homeless was addressed once a rehousing took place. Mr. Mitchell stated that they attempted to assess each situation and gauge each resident's mindset in order to help ensure they remained stable after being rehoused.

Commissioner Jacobs encouraged Mr. Mitchell to connect to the NC Works Career Center.

Vice Chair Howerton questioned whether residents with jobs were required to share some of their earnings. Mr. Mitchell informed her that they were required to save 80% of each paycheck and this was verified via check stubs and deposit slips. Vice Chair Howerton asked if there had been an increase in women residents. Mr. Mitchell stated that both the men's and women's sides had been consistently full.

Commissioner Jacobs, Mr. Mitchell, Manager Davis, and Tammy Baggett, Library Director,

discussed the Urban Ministries residents that frequented the Main Library—they would be unable to visit while it was closed for renovation for two (2) years—and the plans that were in place to accommodate them in the meantime. Commissioner Jacobs advocated for providing an adequate replacement for the affected residents.

Commissioner Reckhow suggested he monitor whether any people were being directed to Durham in order to use the County's resources; she described a past incident in which someone from Butner was dropped off in Durham for this purpose.

Chairman Page thanked Mr. Mitchell for his presentation and for his work in Urban Ministries as it was an important part of the County government.

16-1276 Presentation - Consolidated Item, East End Land Use Analysis

Lisa Miller, AICP, Senior Planner, stated that as part of the approved Planning Department work program, staff initiated a land use analysis for lands potentially affected by construction of the East End Connector. The purpose of the project was to determine whether construction of the East End Connector and associated roadway projects necessitates amendments to the Future Land Use Map (FLUM) and to zoning designations. Staff proposed Future Land Use Map changes (case A1600005) and Zoning Map changes (case Z1600009) as a result of this process. Seven areas of change were identified in the project - of the 63 total properties impacted twelve fall within the County's jurisdiction (in areas 5, 6, and 7 below). The item would be placed on the Regular Session agenda on October 10, 2016 for action.

16-1299 City Local Historic Landmarks, Background Information

Karla Rosenberg, AICP, Planner delivered a report on the proposed landmark designation of the James A. Whitted School (LD1600001) and the partial landmark repeal of the Venable Center (LD1600002). Summary. On November 21, 2016 the City Council a public hearing to consider the repeal of local landmark designation for the land associated with one landmark property. Early in the year 2017, City Council was scheduled to hold a public hearing to consider the designation of another property as a local historic landmark. The purpose of this report was to provide general information regarding these applications as well as the fiscal impact of the designation and the repeal in advance of the landmark hearings. The Board was requested to receive the information; no action was necessary.

Commissioner Jacobs, speaking to Manager Davis, felt that the history of the Whitted Building should be preserved in a booklet or through some other medium, it could even be added to the history museum. Manager Davis suggested taking the idea to the Library Board of Trustees.

Commissioner Reckhow thanked the staff for the comprehensive report. In regards to Commissioner Jacobs's request, Commissioner Reckhow stated that she believed the developer had agreed to do a historical display in the Whitted Building's entrance area. Ms. Rosenberg confirmed that the developer had the required information to fulfill this agreement. Commissioner Reckhow noted that the Board would need to encourage the developer to use as much of the information as possible. Vice Chair Howerton offered that Carl Webb had informed her that no plans had been solidified for the art work or history, but the developers were in conversation regarding what would happen in the building.

16-1294 Durham County Main Library Renovation - Project Update

The Board received an update on the proposed Durham County Main Library Renovation. On December 4, 2014, the Board of County Commissioners awarded a contract to Vines Architecture to provide architectural design services on the project. An update on the programming verification was presented on May 4, 2015. Afterwards, meetings with the building occupants, public/stakeholders and other County staff were held as part of the schematic design phase of the project. The schematic design update was presented to the Board on August 1, 2016. The purpose of this update was to present the project to the Board in order to receive input regarding the overall project design.

Victor Vine, President of Vines Architecture, and Robert Thomas, Director of Design, described the current conceptual design to the Board.

Commissioner Foster suggested that they consider creating a homeless section in the Main Library. Ms. Baggett stated that they would be partnering with DSS for a shared social worker position in the Main Library; this person would be a dedicated point of contact and would provide homeless patrons (or patrons that could be homeless) with informative literature.

Commissioner Reckhow and Ms. Baggett discussed public art and its possible usage in the front of the Main Library.

Commissioner Jacobs was concerned with parking as well as with providing a safe way for pedestrians to cross Liberty Street; there could be a pedestrian crosswalk and/or a light that could be activated by pedestrians wanting to cross the street. Manager Davis concurred and stated that those ideas would be incorporated in future plans.

Commissioner Reckhow recalled a library in Michigan that she toured that dedicated the entire first floor to children; she wanted to make sure they were making a significant improvement in the children's area of the Main Library.

Commissioner Foster hoped they would consider colorful interior design, color coding the sections or floors, and more glass walls similar to the library they toured in Washington, D.C. Commissioner Foster felt that the color and the glass would open up and brighten the library and make it more attractive and cheerful. Chairman Page was really excited about the renovation and concurred that glass walls would be aesthetically pleasing.

The Board discussed the conceptual illustration of aspects in the Main Library with the panel. Commissioner Jacobs enjoyed the concept of having seating on the stairs as it was good multiuse and it would encourage patrons to use them rather than the elevators. Commissioner Reckhow wanted to ensure that security was a priority in the design.

Commissioner Reckhow was concerned with how the retractable auditorium seating would look and feel; if they were uncomfortable, patrons could consider sitting through long programs unpleasant.

Commissioner Reckhow and Mr. Thomas discussed the outdoor amphitheater.

16-1274 Discuss Resolution to Advance Octennial Reappraisal

The Board was requested to consider advancing the County's next general reappraisal under G.S. 105-286(a)(3). Statute required that general reappraisals of real property be conducted at least every eight years. Under the minimum required schedule, the next reappraisal would occur on January 1, 2024, with subsequent reappraisals occurring every eight years thereafter. The Durham County Tax Administrator recommended advancing the next reappraisal to January 1, 2019, with subsequent reappraisals occurring every four years thereafter.

Kim Simpson, Tax Administrator, stated that the resolution to shorten the revaluation cycle would come before the Board on October 24, 2016. She listed the reasons as to why a shorter cycle was beneficial to the County as well as to the citizens.

Manager Davis commended Ms. Simpson and her team on the smoothest revaluation he had ever witnessed in his career. Commissioner Reckhow and Vice Chair Howerton concurred and thanked Ms. Simpson. Ms. Simpson thanked the Board and wanted to acknowledge her team as well for their dedicated work.

16-1310 Proposed Paid Parental Leave Policy, Amendments to the Current Donated Leave Policy, Amendments to the Current Leave Policy and the 2016-17 Living Wage Determination

The Board was requested to review and discuss the County Manager's proposed Paid Parental Leave (PPL) Policy, the County Manager's proposed amendments to the current Donated Leave Policy, the County Manager's proposed amendments to the current Leave Policy, and the County Manager's 2016-17 Living Wage Calculation for Durham County Government Employees. The additions and/or changes were as follows:

Parental Leave Policy (New Policy)

Policy to provide for approved time off with pay for the birth of an employee's own child or the placement of a child with the employee in connection with adoption, foster care or *in loco parentis*.

Donated Leave Policy (Policy Amendment)

Added provision to allow individual donations when the donated leave bank balance was 25K or greater.

Modified definition to allow an employee to apply for leave when faced with any injury or illness (removed language that allowed for leave only when the employee had had a catastrophic illness/injury) which left the employee incapacitated and unable to work for a prolonged time (in excess of four (4) consecutive weeks) that was not the result of worker's compensation, an illegal act, nor self-inflicted and the inability to work had created a loss of income and economic hardship due to exhaustion of all paid leave.

Leave Policy (Policy Amendment)

Added a section to describe 'paid parental leave.'

Added 'reasonable accommodation' as a permissible example of administrative leave.

Modified the observed holidays to include Veteran's Day and three (3) days for Christmas.

2016-17 Living Wage Determination (Policy Amendment)

Pursuant to the Policy on Paying a Living Wage, the County Manager shall calculate or cause to be calculated the Minimum Living Wage for County Employees.

The County Manager's 2016-17 Determination was \$15/hour.

Modified the language in the "Payment of Minimum Compensation to Employees" section to state the living wage would be calculated on an hourly rate basis (removed that the annual living wage would be pro-rated for part-time employees based on her/his work percentage).

Commissioner Reckhow was very pleased by the policies brought forward and believed that PPL would make Durham County family friendly. The policy would also lead to less employee turnover, increased employee loyalty, higher productivity and happier employees. She inquired as to the decision that made co-parenting employees share 12 weeks, rather than each receive 12 weeks, if both worked for the County. Cheala Garland-Downey, Human Resources Manager, responded that it was meant to align with the FMLA policies; it was also meant to be sensitive to the County and the impact on its ability to deliver services if two (2) employees were both out for 12 weeks each.

Commissioner Jacobs thanked the Manager and staff for their work. She appreciated that the PPL included adopting and foster parents. Commissioner Jacobs suggested that staff study the issue of providing the 12 week leave to both parents; if it only happened once or twice a year, she believed it was a worthwhile County investment. Ms. Garland-Downey stated that they would be able to analyze the data once employees began using this type of leave as there was a specific code in SAP that employees would use on their timesheets.

Vice Chair Howerton thanked staff for their work and looked forward to seeing how PPL would affect the organization in terms of resources.

Commissioner Reckhow requested that staff monitor the utilization of FMLA and donated leave to see whether the donations were sufficient to cover or if the County needed to provide a number of weeks of FMLA. She also wanted staff to consider whether the County could manage to give employees FMLA if a nuclear family member suffered from life threatening illnesses—rather than if the only employee did.

Commissioner Jacobs complimented Durham County's FMLA forms for their ease of completion—implemented policies were as useful as their ability to be used. She concurred with Commissioner Reckhow's request on studying the usage rates of the policies and added that a report regarding the outcomes be presented to the Board in a year.

Vice Chair Howerton thanked the Manager for issuing a \$15 Minimum Wage Policy, she felt that this was a very positive element.

Commissioner Jacobs declared her support for the Living Wage Policy; she wondered how they calculated it and whether it would be continuously changed. Anthony "Tony" Noel, Human Resources Manager, stated that the living wage was calculated by multiplying 7.5% by the

County's poverty level for a family of four (4) and that it would be changed. Commissioner Jacobs wanted to know how many employees would be affected by this hourly wage change. Mr. Noel informed her that 832 employees would be impacted—some were full-time and some were temps.

Commissioner Reckhow also supported this policy and was satisfied with the floor the County established for the Living Wage at \$15 per hour. She believed that this would help the Detention Center and the EMS department in lowering employee turnover as well as attract more competitive, qualified employees. Commissioner Reckhow also stated that they could witness a reduction of needs for social services since higher wages would lessen employees' dependence on social services programs.

Directive: Provide a report of employee usage of policies to the Board in a year.

Closed Session

The Board was requested to adjourn to Closed Session 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.

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

The motion carried unanimously.

Reconvene from Closed Session

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

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