

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

Monday, February 3, 2014

9:00 A.M. Worksession

**MINUTES**

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

Present: Vice Chair Brenda Howerton and Commissioners Fred Foster, Jr., Wendy  
Jacobs and Ellen Reckhow

Presider: Vice Chair Brenda Howerton

Absent: Chairman Michael D. Page

Vice Chair noted that Chairman Page was absent and asked for a motion to  
excuse his absence from this meeting.

Commissioner Jacobs moved, seconded by Commissioner Reckhow to excuse  
Chairman Page from the meeting.

The motion carried unanimously.

**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.

Mr. James Chavis, volunteer worker with Holton Career Center, spoke about lawn equipment  
safety. Mr. Chavis had concerns about the safety guards on lawnmowers not being down  
while the lawn was being serviced. He asked the Board to attend the next Advisory Board  
Meeting scheduled for Thursday, February 6, 2014.

Ms. Victoria Peterson spoke about the Crime Cabinet Committee and asked for a change in  
leadership for diversity purposes. Ms. Peterson mentioned she would like Commissioner  
Reckhow or Mr. Eugene Brown to step down and bring an African American or Hispanic  
Co-Chairperson to the table.

Commissioner Reckhow gave a brief history of the make-up of the Crime Cabinet. She and  
former Council member Clement created a diverse membership approach which allowed  
each of the five PAC areas to designate two representatives to represent citizens. She stated  
that Ms. Peterson became upset when she was not allowed to continue to speak at the last  
meeting and would not follow protocol.

Fire Chief Len Needham, Chief of Bahama Fire Department, spoke about Agenda Item 5  
(Fire Study Recommendations). He mentioned Items 9, 59 and 67 and addressed Bahama's

concerns adding he would like to see a cost analysis done of the recommendations so that tax payers' dollars were spent wisely.

Ms. Lorisa Seibel spoke about affordable housing near transit and asked that action be taken as soon as possible for the resolution.

### **Removal of a Board Member Due to Poor Attendance**

Commissioner Reckhow stated Angie Elkins contacted the Board and stated her absences were due to a medical issue. She mentioned Ms. Elkins absences did not create a lack of a quorum. Commissioner Reckhow would like to revisit the policy; hoping in this instance, not to remove the member.

Commissioner Foster referred to the Clerk asking if Ms. Elkins followed procedure. Michelle Parker-Evans, Clerk to the Board, stated the Board of Adjustment (BOA) rules fall under an Interlocal Agreement which were more strict. Ms. Parker-Evans agreed that there was a need to revisit the policy, adding staff's only indication of Ms. Elkins' attendance came from the Board of Adjustment. Commissioner Foster asked if the Board of Adjustment was in support of her remaining on the board. Ms. Parker-Evans stated the BOA submitted a letter requesting Ms. Elkins be removed due to attendance. She noted both the Clerk's Office and Planning were following the policies.

Interim County Manager Worsley stated the BOA reported Ms. Elkins was not meeting the attendance requirements and they were not making a recommendation to have her removed.

Pat Young, with the Planning Department stated Ms. Elkins informed the Board of her medical condition. They had no desire to remove her from the board. As the Clerk and Interim Manager mentioned, the Interlocal required that the attendance be reported. No action was recommended at this time.

Commissioner Reckhow moved, seconded by Commissioner Jacobs to suspend the rules to allow Angie Elkins to continue to serve on the Durham Board of Adjustment.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Commissioner Jacobs to allow Angie Elkins to continue to serve on the Durham Board of Adjustment.

The motion carried unanimously.

### **Discussion of Affordable Housing Near Transit**

Bo Glenn, Past Chair of the City-County Homeless Advisory Committee, discussed the resolution provided to the Board. Mr. Glenn stated the County must develop a program that provides an incentive so builders would want to build affordable housing near transit by adding 15% of affordable housing at all bus lines. The plan calls for a 3-5 year timeframe to make this a priority. It is anticipated in five years the Triangle Transit Authority (TTA) would submit paperwork for federal funding for this project. Before the application is

submitted, the County would have to develop Public Private Partnership. Mr. Glenn asked the Board to accept and endorse the Resolution for Affordable Housing near Transit.

Commissioner Reckhow asked Mr. Glenn how the group felt about an alternate resolution received from the Planning Department. Mr. Glenn stated there would be a meeting the evening of February 3, 2014 to discuss their thoughts. The group worked closely with the Planning Department to discuss this issue and recognized the importance of affordable housing. If Planning's recommendation was followed, it would minimize the location of affordable housing, limiting it to eastern and central Durham. Mr. Glenn mentioned if the County did not target station areas before the application was submitted, they would not get the rating needed for funding.

Patrick Young, Planning Department stated that Planning supported the goal and was looking at incentives to be provided. It would recommend to the City Council at the Council's request for an alternative resolution. This resolution would have a similar focuses and goals, eliminating simple techniques and timeframes and would help develop the toolbox.

Commissioner Reckhow reviewed the resolution stating she would like more discussion and rationale for items 1 and 2d.

Commissioner Jacobs stated it was important as elected officials to set policy. She commented on the following: "*Whereas the County of Durham should support the reservation and/or acquisition of developable land around the transit stations and neighborhood transit centers for new affordable housing, as well as protecting existing affordable housing near transit stations and neighborhood transit centers; and*" stating land banking as an important tool that the County needed to look at. She commented on 2(d) stating it needed to be a diverse community led effort. She added transit was the single biggest issue where Durham ranked low and providing access to transit could make a huge difference in citizens' lives.

Commissioner Foster asked if the Federal Transit Authority (FTA) gave a set amount or a percentage. Mr. Glenn responded that the FTA did not give a percentage. Commissioner Foster asked if the group reached out to the Chamber of Commerce and Triangle Transit. Mr. Glenn stated he spoke with John White, Director of the Chamber of Commerce and they had not made a final decision. The group met with Triangle Transit and they agreed that adding Affordable Housing was important and it would benefit to the application process.

Commissioner Reckhow discussed with the Board an approach to move forward or ask for further discussion at the Planning or Joint City-County Meeting.

Vice Chair Howerton inquired about item 2(d) of the resolution, asking are other groups such as the Durham Committee being represented. Mr. Glenn responded there would be equal representation for the City and County.

Commissioner Reckhow suggested options for the Board to move the item to the next Regular Meeting or to refer the item to a Joint City-County Meeting for further discussion.

Commissioner Jacobs stated the County should take the lead and take action in the resolution.

Vice Chair Howerton asked Attorney Siler if the item was moved to the February 11, 2014 Regular Session Agenda and the City did not agree with this resolution when they reviewed it, would the County have to review it again.

Attorney Lowell Siler stated action could be taken on the resolution.

Commissioner Foster stated the Board should have input from major players, such as the Chamber and Planning Department. He recommended we get the City's input before taking action.

Vice Chair Howerton asked if there was a timeline to get this approved. Mr. Glenn responded there was no timeline.

Commissioner Reckhow suggested the City and other key stakeholders have an opportunity to get on the same page before the County took action. She recommended offering a February deadline for stakeholders' input stating this would allow time for it to be on the March Joint City-County meeting.

### **Discussion of Proposed Civil Rights Mural on Rear Exterior Wall of Durham Convention Center**

Drew Cummings, Assistant County Manager proposed the usage of a blank City-County wall for a civil rights mural and introduced the artist Brenda Miller-Holmes. He stated the project was funded by a City grant and was recommended for the Board's approval by the Public Art Planning Committee.

Brenda Miller-Holmes, Artist, showed a brief presentation of visual artwork from community members. Ms. Miller-Holmes stated she gathered 30 community members, ages 15-65 from North Carolina Central University, Hillside High School, Durham School of the Arts, Private Schools and communities. Members were asked to draw individual work and then it will be brought together for the mural. The ending goal created the theme for the mural: "*To celebrate - honoring those that sacrificed; to uplift, education, inspire and reflect.*"

Commissioner Jacobs inquired about the wall space, asking if it would get the job done. Ms. Miller-Holmes stated the space would allow the detail and history needed to properly display the mural. She added, the mural could be seen from the Downtown History Hub and it would be on the Durham Civil Rights History Tour. Commissioner Jacobs inquired about longevity. Ms. Miller-Holmes stated the location was not in direct sunlight and there were techniques to ensure that it did not peel. Commissioner Jacobs asked would there be an interpretive guide. Ms. Miller-Holmes stated they had a documentarian who was working on a booklet and a website that could be loaded from a cell phone.

Commissioner Reckhow stated this mural was in the heart of downtown making it an ideal location. She suggested placing a stand near the mural which would highlight the key features.

Vice Chair Howerton stated this item would be added to the February 11, 2014 agenda.

### **Fire Study Recommendations**

Lee Worsley, Interim County Manager shared a presentation titled “*Recommendations Related to the County Fire District Consolidation and Cooperative Services Feasibility Study.*” The presentation identified the following:

- Background
- Strategic Plan Goals and Objectives
- Impact of Insurance Ratings on Homeowner Insurance and Current Fire Dept. Ratings
- Response Time
- 75 Recommendations
- Staffing
- Apparatus and Audit Comments
- Funding Methodology
- Contracting with Parkwood, Bethesda, Eno and New Hope Districts

Commissioner Reckhow mentioned her concern with recommendations 4 and 5 stating reducing the response times should be an important goal. Mr. Worsley stated the dispatch and arrive times had been combined to include the beginning of the call to the arrival time. She suggested a change in wording for recommendation 6 to reflect total dispatch and arrival time.

Commissioner Jacobs asked for clarification on the department’s ability to identify the issues and address them based on their current resources. Mr. Worsley responded the purpose was to measure the data. Once measured, all departments would be held accountable and if issues were found, they would be addressed at that time.

Vice Chair Howerton asked Mr. Worsley to explain the term “appropriate” in regards to staffing. Mr. Worsley responded appropriate means making sure the departments could meet with fire insurance rating assigned, ensuring they had adequate personnel.

Commissioner Reckhow questioned the timeline column for recommendation 8. She suggested changing the phase in period to 15 months instead of 24 months. Mr. Worsley stated once the budget was complete, it would reflect 18-24 months. Commissioner Reckhow inquired about the number of Parkwood firefighters. Mr. Worsley stated the consultant recommended 5 firefighters per location, and staff recommendations reflected different numbers based on the area. John Gentry, Assistant Fire Marshal stated all City and County engines had 3 personnel and if other engines were needed, they would respond accordingly.

Vice Chair Howerton asked how would the additional staff recommended affect the budget. Mr. Worsley stated depending on how the new staffing, it could be an additional \$144,000 per year for 24 hour coverage.

Commissioner Jacobs asked if an additional person was brought to the Bahama district, would it have a positive impact on their ISO rating which would decrease the taxes paid by residents. Mr. Gentry responded yes, Bahama was reaching for a 6 ISO rating which would decrease the taxes.

Commissioner Foster asked if ownership of the apparatuses would be in the contract. Mr. Worsley stated it would be listed in the contract and in the recommendations.

Commissioner Reckhow suggested an audit from previous years prior to completing the budget.

Commissioner Jacobs questioned the Firehouse reporting field, asking would it include the Emergency Medical Services (EMS), Fire and Police. Mr. Worsley stated the Firehouse system was only for EMS and Fire.

Commissioner Foster inquired about collaboration with City in regards to dispatch. Mr. Worsley stated both fire departments were primary response, so the closest unit would be dispatched first.

Commissioner Reckhow asked how long it would take to conduct a cost benefit analysis. Mr. Worsley stated 30 days would be feasible for staffing, and a few months for the remainder items.

### **Downtown Open Space Study**

Thomas Dawson, RLA Urban Designer shared a presentation on the Downtown Open Space Plan. This plan highlighted the following:

- Goals, Objectives and Analysis
  - Goals
    - Opportunities for outdoor social, civic and recreational activities
    - Connect urban neighborhoods to Downtown Durham
    - Design that promotes safety, ecology, and complements the urban fabric
  - Objectives
    - Access current open space inventories
    - Identify potential new public open space locations
    - Recommend policy and ordinance changes
- Participatory Design Process
  - Open Space Survey
  - Workshops: Open Space Qualities, Master Plan and Open Space Design
  - Meeting: Concept Presentation
- Staff Recommendations
  - General Policy Recommendations
  - Renovation of Existing Space
  - New Public Open Space
  - Improved Connectivity
  - Implementation and Funding
- Implementation Strategies
  - Coordinate Plan with other City and County departments
  - Prioritize Open Space Plan Recommendations
  - Amend the UDO to require either on-site open space on large non-residential development sites or payment in-lieu
  - Earmark existing residential impact fees to be spent Downtown
  - Open space improvements
  - Grants
- Next Steps
  - Ongoing Public Presentations
  - Present to Planning Commission in Winter

- Present to City council in Spring

Commissioner Reckhow suggested making the Open Space Area behind the Convention Center plaza more community friendly by offering benches, tables and chairs to allow people to enjoy the outdoors.

Commissioner Jacobs stated the challenge with the pedestrian sphere is how to make the space feel safe; asking what type of buffers will be available for the children. Mr. Dawson responded the Planning department would be a part of that conversation.

Commissioner Reckhow inquired about the widening of the railroad corridor. Mr. Dawson stated widening of the corridor is anticipated to be on the south side. There is an ongoing planning process for the beltline.

Commissioner Jacobs inquired about a possible amendment to the UDO, asking was it still going forward. Keith Luck, City-County Planning Department stated that would be for new developments. Commissioner Jacobs recommended Mr. Dawson speak with Durham Public Schools regarding the open space at Durham School of the Arts.

### **Discussion Regarding Living Wage Resolution**

Commissioner Reckhow discussed the changes made to the resolution. She requested to add: ***“NOW, THEREFORE BE IT RESOLVED that we, the Durham County Board of Commissioners also support the fair minimum wage act which is being considered in Congress.”*** Commissioner Reckhow added by supporting the fair minimum wage act, the County is supporting over 20% of Durham County’s population.

Commissioner Jacobs stated this item was brought forth to the Board in September 2013. She mentioned the discussion which took place during the September meeting and the organization requested the Board to support a minimum wage increase to \$15 per hour. Commissioner Jacobs concurred with Commissioner Reckhow adding she would be comfortable with two separate resolutions.

Vice Chair Howerton stated the County Commissioners were told not engage with the living wage however, we are looking to pass a resolution for the private sector.

Commissioner Jacobs stated we could support the living wage but could not force an employer to increase the wage.

Attorney Siler clarified the Board was asked to take a position on employees who are not regulated by the Board of County Commissioners. He added there is not much to be done to affect the cost of living increase.

Commissioner Reckhow would like the Board to support the \$10.10 Fair Minimum Wage Act and adjust the minimum wage for all workers.

Vice Chair Howerton asked who would be responsible for correcting the resolution. Commissioner Reckhow responded Deborah Craig-Ray, Assistant County Manager would be responsible.

Commissioner Foster stated the organization came forth in support of food workers. He suggested the Board support the resolution for food workers and create another resolution for the Fair Minimum Wage Act or Living Wage.

Vice Chair Howerton requested Interim Manager Worsley forward all information to Ms. Craig-Ray. She would also like the resource person to allow the organization to review the changes made to ensure they agree with it. Vice Chair Howerton asked if the Board should combine the Fast Food Resolution and the Living Wage Act or separate them. Commissioner Reckhow suggested the Board separate the resolutions.

Commissioner Reckhow recommended the Board move the Living Wage Resolution to the February 10, 2014 meeting and the Fair Minimum Wage Act Resolution to the February 24, 2014 meeting.

Vice Chair Howerton suggested the organization that submitted the original Fast Food Resolution see the changes prior to the next meeting.

#### **Proposed Financing for 2014**

George Quick, Chief Financial Officer, discussed proposed financing from the referendum passed in 2007 for General Obligation Bonds.

Jessica Brown-Linton, Debt Manager, discussed outstanding dollars and how they were spent.

Mr. Quick stated instead of issuing General Obligation Bonds up front, the County had received a \$60M BANS line from Bank of America. This line allowed the County to only borrow money that was needed instead of receiving all the money at once. Mr. Quick explained the bonds were required to be issued in 7 years after their vote of approval and spent in 3 years. Currently the bonds received in November 2007 must be issued in or by November 2014 and spent by November 2017.

Mr. Quick requested to be allowed to issue the outstanding amount of long-term debt in June or July 2014 into an agreement with another bank for an additional line that would continue funding for the next 3 years adding once all funds were reduced, the debt would be paid. Mr. Quick stated a resolution would be submitted at the February 24, 2014 meeting, requesting to authorize the County to sell the General Obligation Bonds (Refunding Bonds) and enter an agreement with a bank to extend the line.

Also in connection with the funds extended, \$5.9M belonged to Durham Technical Community College (DTCC). Mr. Quick stated there was no word on how DTCC planned to use this money and if they did not respond, he would ask the Board to remove the funds so they could be utilized elsewhere.

Commissioner Reckhow asked if Mr. Quick could reach out to DTCC to determine if they would use the \$5.9M before the County proceeds with additional BANs lines. Mr. Quick responded he would have an answer at the February 24, 2014 meeting.

Commissioner Reckhow requested Interim Manager Worsley follow up with DTCC regarding the plans for the Northern Durham Campus. She also asked Mr. Quick to request DTCC transmit in writing the proposal and specifics on how the \$5.9M would be spent.

Keith Lane, Sr. Budget Analyst, responded that projects in the CIP for DTCC included the Newton building expansion and main campus expansion. He stated he was unsure if they were waiting to get additional funds for larger projects.

Commissioner Jacobs inquired about the use of the funds for Durham Public Schools (DPS). Commissioner Reckhow stated DPS requested the funds for school buses and other specific items.

### **Facility Use Policy**

Interim Manager Worsley requested this item be moved to the next Worksession.

### **Directives**

Ms. Dionne Hines, County Intern presented the Board Directives for the months of August, September, October, November and December of 2013 as well as January 2014.

Commissioner Reckhow inquired about an update on the Northern Durham Campus. Interim Manager Worsley stated he would ask Michael Davis to follow-up.

Commissioner Jacobs stated the Board of County Commissioners' Procedures needed to be revisited. She would also like an update on the old Social Services building.

Vice Chair Howerton requested an update on the Judicial Building. Mr. Worsley responded the Engineering Department was currently working on that project.

### **Closed Session**

Vice Chair Howerton asked to move the Closed Session to Wednesday, February, 5, 2014 from 3:00pm – 5:00pm due to the absence of Chairman Page.

### **Adjournment**

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

The motion carried unanimously.

Respectfully Submitted,

Monica W. Toomer  
Administrative Assistant II