

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

Monday, April 1, 2019

9:00 A.M. Worksession

MINUTES

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

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

Presider: Chair Wendy Jacobs

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.

Matthew McGuigan asked that the Board restore the Confederate monument and educate the public.

George Roberson stated that he would be filing charges with the United States District Court on Wednesday and requested that the Board not replace the Confederate monument.

Consent Agenda

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

19-0154 Capital Project Amendment No. 19CPA0000016 and Budget Ordinance Amendment No. 19BCC000043- Appropriating \$225,760 of Debt Service Fund fund balance and transferring the funding to the Downtown Parking Deck(s) Capital Project and Authorize the Execution of Architectural Services Agreement with Little Diversified Architectural Consulting Ltd. for the Programming Phase of the Architectural Design Services for the Structured Parking at Two Downtown Sites (300 and 500 Blocks of East Main St.) Project No. 4730DC138

Directive: Staff to change the Scope of Work document because there were references to the now-cancelled Durham-Orange Light Rail Transit project.

19-0164 Replacement of Main Roof and HVAC Unit at the Criminal Justice Resource Center

The Board and Motiryo Keambiroiro, Director of General Services, discussed how staff was limited in their ability to install solar panels on roofs of buildings located in downtown. Most downtown properties had a local historic designation and any major modifications that would alter the original character of historic structures or sites had to be reviewed and approved by the Historic Preservation Commission (HPC)—the HPC appeared to be conservative in terms of what was allowed to be added to the roofs of buildings.

The Board discussed the climate change Resolution passed on November 13, 2018 and considered whether the creation of an action plan would help further drive the County’s transition to using renewable energy and lowering greenhouse gas emissions. An action plan would also provide capital item consultants with clear policy guidance as it related to sustainability.

Staff informed the Board that the funding request for the greenhouse gas reduction consultant was in the upcoming FY2019-2020 budget. The Board wanted to prioritize this because they felt that the greenhouse gas reduction consultant and consequent action plan were fundamental for capital item request decisions. Each capital item that the County considered completing would impact the carbon footprint that the County was trying to reduce.

Directive: Manager Davis to meet with staff to discuss the potential options for the current fiscal year relating to prioritizing the greenhouse gas reduction consultant and action plan.

There were no comments made for the items below:

19-0116 Capital Project Amendment No. 19CPA000014 - Appropriating \$1,000,000 of Public-School Building Capital Fund Lottery Funds for a Durham Public School’s (DPS) Capital Project (Lottery Funds).

19-0131 Capital Project Amendment No. 19CPA000015- Moving 2016 General Obligation Bond Funds Between Multiple Durham Public School Capital Projects and Closing Two Bond Funded Capital Projects

19-0148 Lease Agreement Between Durham County and Thomas L. Hawkins

19-0153 Conservation Easement Option with Allen and Cindy Needham and 2019 Agricultural Lands Easement (ALE) Program Grant submission

Discussion Items

19-0089 Discussion of UMD Challenges and Opportunities

Sheldon Mitchell, Urban Ministries of Durham (UMD) Executive Director, provided the Board with updates from UMD. The impetus for this agenda item was the submittal of UMD’s second quarter report, which indicated an increase in the average length of stay. In addition to wanting further discussion of that issue (which was largely reflective of numerous other systemic issues); Commissioners were interested in how capable UMD was to accommodate homeless individuals being released from the County’s detention facility. There was also interest in discussing whether

and how UMD could become more of a low-barrier shelter, as low-barrier housing was a key concept in the “housing first” model and also an important HUD funding criterion.

UMD staff introduced a one-time funding request for upgrades to the UMD café space which included replacing the HVAC system, replacing the gym floor, installing energy efficient lighting, adding a projection screen and built-in wall unit for training and much needed storage, and adding natural light. The total project costs were \$194,692 and the secured project funds were \$136,000, which left a gap of \$58,692. UMD was requesting \$58,000 to complete this renovation.

There was discussion about UMD following-up with individuals who left the shelter to ensure that they remained at their newly secured housing. UMD did not have the staff or resources to follow-up with previous residents.

The Board discussed the problems that detainees faced when exiting the Durham County Detention Facility with no previously secured housing. To stay at UMD, one needed to apply on Monday at 10 a.m. and this presented a problem for detainees who were discharged on other days or after 10 a.m. on Monday. Mr. Mitchell stated that the deadline did not apply to organizational partners and the Detention Facility was a partner. Gudrun Parmer, Criminal Justice Resource Center Director, stated that no one in the Detention Facility was aware of their ability to refer discharged detainees. She requested that Mr. Mitchell attend the Stepping Up Initiative meeting scheduled to take place on Monday, April 8, 2019. Mr. Mitchell confirmed that either he or Valerie Haywood, Clinical Director, would be there and reiterated that UMD would accept any referrals if there was space available.

Mr. Mitchell stated that the shelter was open to people who had active substance abuse. He and the Board discussed federal funding, collaboration with Alliance Health, food, safety issues, drug use and distribution at the shelter, available daytime programming, and the internship program for the students pursuing a master’s degree. The Board wanted to challenge Mr. Mitchell and his staff to come up with programs that people participated in to deter panhandling or hanging out. UMD staff could look at what other shelters were doing and what daytime programs were offered that the County could potentially offer as well. UMD was also encouraged to create a support system using volunteers if possible.

The Manager discussed how the County would meet UMD’s request considering that it was not in the current year’s budget.

19-0157 FY 2020-2029 Capital Improvement Plan Update

The Board received a presentation from Doug Carter of Doug Carter and Associates on the Manager’s Recommended Fiscal Year 2020-2029 Capital Improvement Program (CIP) update. Mr. Carter, the County’s outside financial advisor, included in this presentation a financial review of the Manager’s Recommended CIP. The overview explained the guiding principles used to develop the 10-year CIP, showed recommended funding levels for County projects, explained potential Bond Referendum timings and discussed a proposed April BOCC Work Session agenda. This conversation was to serve as the foundation for the upcoming months as staff refined the 2020-2029 CIP and clarified the approaches required to liquidate debt to support future capital project needs.

Mr. Carter expounded on the situation that Durham County was currently facing—revenue was not expanding at the rate it was previously while expenditures were. He stated that Durham County’s per capita debt today was the same as 10 years ago—this was a positive point.

The Board requested that Mr. Carter provide them with information regarding the bills currently in the legislature that would look at operational allocations and how the County allocated capital to the school system.

Commissioner Carter advocated for the Board of Commissioners meeting with the Board of Education to discuss why there was a delay in spending the funds from the bond.

The Board discussed how frequently counties held bond referendums and reviewed their Capital Improvement Plans.

Josh Brady, Project Architect at O’Brien/Atkins Associates, went over the 2018 Space Needs Analysis and Facility Master Plan Update.

The Board raised concerns about the projected space needs and recommendations. Peri Manns, Deputy Director of Engineering and Environmental Services Department, addressed the Board’s comments and stated that staff would continue to look at the possibility of sharing existing spaces between similar County and City departments. The Board requested information regarding the possibility of the Sheriff’s Office sharing training spaces used by the Durham Police Department and whether it was possible to train on Durham Technical Community College’s campus.

The Board felt that it would be better to sit tight and not make any future decisions for Probation and Parole; it was preferred to lease more space as needed.

The Board, Mr. Brady, and General Manager Jodi Miller discussed the recommended Youth Home 36-bed regional facility and how it would function.

The Board requested that all departments that were increasing the number of employees provide a report describing the basis of their projections/requests—e.g. Veteran Services and Department of Social Services. Staff was also suggested to investigate the possibility of employees telecommuting as it would reduce traffic and the need to create more office space. Chair Jacobs and Commissioner Reckhow did not support using the old DSS Main Building (220 E. Main Street) for office space.

Manager Davis discussed the history that led to the County buying properties to house its departments, rather than leasing them.

Chair Jacobs pointed out that, if purchasing space, the County could buy in other parts of the County, not just Downtown.

Commissioner Reckhow wanted staff to see if the County was using current space as best as possible before expanding and preferred to repurpose existing space.

Commissioner Howerton requested an assessment on what was possible with the existing County buildings in the downtown area. She preferred to not lease space or move out of the downtown area because it was easily accessible via public transportation.

Vice Chair Hill preferred for the County to move out of downtown. He had no interest in bringing other people into or renovating the old DSS Main Building (220 E. Main Street).

Commissioner Carter had no strong opinion.

Commissioner Reckhow discussed the possibility of the County working an arrangement with the Self-Help Credit Union, or whoever developed it, that allowed the County to lease space if it was needed. She felt that the building should be dealt with sooner rather than later. Mr. Manns stated that the staff recommendation called for the County to renovate the entire building, lease the bottom two (2) or three (3) floors, and use the rest for the County's human services departments. Commissioner Reckhow would be more amenable if the building was renovated within five (5) years and half of it was leased out.

Chair Jacobs asked to move agenda item 19-0127 Discussion of the Durham County Public Art Policy and Program Draft Documents to the Monday, April 8th Regular Session agenda.

Commissioner Reckhow and Chair Jacobs agreed that if the County did not start charging for parking, then it needed to start building out of Downtown.

Keith Lane, Director of Budget and Management, consolidated what the financial consultants said the County could do versus what the County's Facility Master Plan, departments, and management wanted to do. He demonstrated how to use Power BI, an interactive data visualization service, and indicated that the Board could use it analyze budget data as the saw fit.

Commissioner Reckhow wanted staff to provide the Board with dense agenda background materials by the Wednesday or Thursday before the Board meeting—the same date that the agenda gets put out by the Clerk. Manager Davis discussed the work that staff put in towards creating the infrastructure in Power BI and stated that, in the future, the Board would receive information as soon as it was ready.

The Board visited the Animal Protection Society (APS) of Durham and due to its condition, it needed to either be extensively renovated or have a new facility built. Mr. Lane discussed how this request could be addressed in terms of pricing a renovation or new build and reviewing how it affected the CIP. Chair Jacobs stated the problems that were occurring in the facility were extensive and abundant. She asked staff to work with APS and the Animal Services office to provide the Board with an assessment of costs, available options, and how it would affect the CIP.

Ms. Keambiroiro agreed that the facility needed to be replaced. The facility was not originally designed as an animal shelter, it was later adapted to house animals, and it has required an immense amount of maintenance. It was noted that APS owned six (6) acres across the street from the current facility.

Directives:

- **Staff to provide the Board with:**
 - **Information regarding the possibility of the Sheriff's Office sharing training spaces used by the Durham Police Department and whether it was possible to train on Durham Technical Community College's campus.**
 - **A parking policy related to parking for staff and clients.**
 - **A report from all departments that were increasing the number of employees describing the basis of their projections/requests—e.g. Veteran Services and Department of Social Services.**
 - **An assessment on what was possible with the existing County buildings in the downtown area—specifically capacity in admin 1 here and across street**
 - **Different options relating to the configuration of Probation and Parole**
- **Staff to move agenda item 19-0127 Discussion of the Durham County Public Art Policy and Program Draft Documents to the Monday, April 8th Regular Session agenda.**
- **Staff to work with APS and the Animal Services office to provide the Board with an assessment of costs, available options, and how renovating or replacing the APS facility would affect the CIP.**

19-0142 2019 Farmland Protection Advisory Board Update

The Board received an update from the Farmland Protection Advisory Board (FPAB) regarding their activities during the past year. The report discussed the three (3) priorities set during the recent Farmland Board retreat—preservation, education, and market—while highlighting some of its prior year's accomplishments. The FPAB presented its involvement in farmland protection programs offered within the county and provided some data on these programs. Additionally, it reported on the first two (2) years of the Agriculture Economic Development Grant Program participant outcomes, proposed changes to the program and how this year's weather played a role in participants completing their contract. Finally, the report discussed the Farmland Protection Advisory Board's 2020 program goals which included youth work experience in the agricultural community.

Will Wilson, FPAB Chair, presented on the Farmland Plan that the Commissioners adopted in December 2009, Present Use Value (PUV) land, Voluntary Agricultural District (VAD) participation, Farmland Protection, FPAB budget highlights, farmland easement funding, hurricane and disaster relief, crop losses from Hurricanes Florence and Michael, Agriculture Economic Development Grant and proposed changes to the program, the 2018 BETC Summer Youthworks Team, 2020 program goals, and some current issues that the FPAB was observing regarding farmland and farmers.

There was some discussion about student program offerings for the upcoming summer—specifically the BETC Summer Youthworks program. The Board requested to be kept updated regarding the funding for the 80 students that applied to participate in the 2019 BETC Summer Youthworks program. Michael Dupree, Agribusiness and Environmental Services Manager, informed the Board that the cost per student and teacher in the Summer Youthworks internships was \$1,600 and \$7,000, respectively.

Gini Bell, Executive Director at Farmer Foodshare, provided the Board with an update on the Local Sourcing Project. Mr. Dupree discussed the problems associated with trying to partner with DPS—the growing season did not align with the academic calendar year which led to farmers having the most product when schools were not in session and unavailable to purchase the product.

Commissioners hoped that staff would consider working with the City of Durham or the Office of Economic and Workforce Development to increase funds for the student internships, especially to help fund more internship positions.

The Chair asked General Manager Deborah Craig-Ray to add the PUV for smaller farms as an item to raise with the North Carolina Association of County Commissioners (NCACC). The Board discussed their agreement with Ms. Bell’s suggestion for the Local Sourcing Project of allowing subsidy funds to be spent with buyers who did not require GAP short-term (e.g. Youth Home, Pre-k centers, food pantries, etc.) so that farmers could sell while they worked towards their GAP audits.

Directives:

- **Michael Dupree, Agribusiness and Environmental Services Manager, to update the Board regarding the funding for the 80 students that applied to participate in the 2019 BETC Summer Youthworks program.**
- **Deborah Craig-Ray to add the PUV for smaller farms as an item to raise with the North Carolina Association of County Commissioners (NCACC).**

19-0110 Stormwater Utility Planning and Implementation Update

Ryan D. Eaves, Stormwater and Erosion Control Division Manager, and McKenzie Gentry, Stormwater Manager provided the Board with an update on the Falls and Jordan Lake Rules, the County’s estimated costs of compliance, and the development of a stormwater utility fee as a funding source to meet the Rules’ requirements.

In FY2018, the Stormwater and Erosion Control Division contracted WK Dickson to complete a stormwater utility feasibility study including an overview of the history of the Falls Lake and Jordan Lake nutrient management rules, an assessment of the current legislative climate, and an analysis of the projected cost estimates to meet the requirements of the rules. The cost estimate analysis included a forecast of the costs as well as a timeline of how funding may be spent over time. In addition, WK Dickson developed three (3) potential utility rate structures which would also be shared. The results of Phase I of this study were presented to Commissioners in one-on-one meetings in February 2018.

Since that time, County staff worked with officials from the North Carolina Department of Environmental Quality to refine the County’s nutrient loading targets for Falls Lake and have continued working with the Jordan Lake One Water Association to better understand the requirements in that watershed. Over the next twenty-plus years, the County would be required to complete a number of activities to comply with the Falls and Jordan Lake Rules. In order to fund those activities, County staff would work with WK Dickson to refine the costs of compliance, identifying a rate structure, public education, and ultimately implementation of a stormwater utility fee.

The Board was concerned that the Jordan Lake Rules were not being regulated. Staff explained why this was so, why they could not change this, and that they did still require some stormwater treatment, but not at the level that the Jordan Lake Rules would require.

Mr. Eaves discussed the applicability of the utility fees and the intention of applying the fee on all developed properties, especially those with impervious surfaces. The Board wanted staff to be mindful of not further penalizing farmers. Commissioners pointed out that staff could encourage the wanted behavior by offering credit to those that kept most of their acreage in tree cover, did low impact design, did their own storm water filtration on their site, etc.

19-0127 Discussion of the Durham County Public Art Policy and Program Draft Documents

The Board opted to pull this item and add it to the Monday, April 8th Regular Session agenda.

19-0137 Resolution - The National Collaborative for Infants and Toddlers Resolution to Promote Investments in Young Children and Families from Prenatal to Three

The Board was requested to support the resolution from the National Collaborative for Infants and Toddlers (NCIT) to Promote Investments in Young Children and Families from Prenatal to Three (3). This resolution was an opportunity to demonstrate the County's leadership and commitment to strengthening services, programs, policies and systems vital to the success of all infants and toddlers. Durham County along with many other counties were asked to join the NCIT and the National Association of Counties (NACo) in this national effort to ensure families had the support they needed to give their infants and toddlers the foundation for a strong start in life.

Commissioner Howerton stated that Marsha Basloe, President of the Child Care Services Association, was glad that Durham County had decided to take this on.

The Board discussed possible changes to the resolution that would include Durham's child poverty rate and mention programs that addressed it such as Welcome Baby, Family Connects Durham (formerly Durham Connects), Triple P (Positive Parenting Program), the Adverse Childhood Experiences (ACEs) Task Force, and Durham's Partnership for Children. It was mentioned that Durham's Partnership for Children was encouraged to look at the Boston Basics Campaign in Boston, MA to guide the creation of a Durham Basics program—a very information and resource rich website focused on ages zero (0) to five (5) would be put together for this purpose.

The Board discussed the Call to Action list in the resolution and whether County administration was ready for its approval; the resolution would commit the County to dedicating funds and staff time for successful implementation. The Board felt that the County should have a dedicated staff person as the designated "early childhood leader" rather than adding that role to Drew Cummings's, Chief of Staff, duties. A suggestion was made to pull County funding from the City-County Youth Initiatives Manager and allocate the amount towards funding a staff position for the designated early childhood leader—this would follow the City's plan to pull City funding from the Sustainability Manager position in the Durham City-County Sustainability Office.

The Board was unanimously in favor of the resolution and suggested that the County Manager present a proposal. Manager Davis stated that he and staff would package something as part of

the budget recommendation. He also stated that Lara Khalil, City-County Youth Initiatives Manager, could be invited to discuss her current work at the Monday, May 6th Work Session.

The Board decided to pass the resolution with the understanding of what it would entail in terms of funding and staffing in the future.

Directives:

- **Manager Davis and staff to present the Board, as part of the budget recommendation, with a package of some sort regarding the resolution’s Call to Action and the necessary funds and staff for its successful implementation.**
- **Staff to invite Lara Khalil, City-County Youth Initiatives Manager, to discuss her current work at the Monday, May 6th Work Session.**
- **The following wording corrections in the resolution were requested:**
 - **In the second “whereas” – “and when toddlers receive what their...”**
 - **In the third “whereas” – “can be effectively provide families...”**
 - **The first bullet under the “be it resolved” – “high-quality infant-toddler programs and supports so children, families...”**

Closed Session

19-0163 Closed Session

The Board was requested to adjourn to Closed Session for the following:

- To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease pursuant to G.S. 143-318.11(a)(5)(i)
- To discuss matters relating to the location or expansion of a business or industry pursuant to G. S. 143-318.11(a)(4).

Commissioner Reckhow moved, seconded by Vice Chair Hill, to move into closed session

The motion carried unanimously.

Reconvene from Closed Session

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

Adjournment

Commissioner Carter moved, seconded by Commissioner Howerton, that the meeting be adjourned.

The motion carried unanimously.

The meeting adjourned at 3:50 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tania De Los Santos", with a long horizontal flourish extending to the right.

Tania De Los Santos
Administrative Assistant