

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

Monday, November 5, 2018

9:00 A.M. Work Session

**MINUTES**

Place: Commissioners' Chambers, second floor, Durham County Government Administrative Complex, 200 East Main Street, Durham, North Carolina

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.

Dale Evarts, Tom Campbell, Daniel Parkhurst and Richard Harkrader expressed their support for the Renewable Energy resolution.

Jim Svara, supported the Redevelopment of the 300 and 500 Blocks of East Main Street for affordable housing. He also proposed changes to the policy of conveyance of County surplus property to the City for affordable housing development.

George Roberson, asked for an update on the Confederate Monument Base.

Chair Jacobs responded the City-County Committee on Confederate Monuments and Memorials was working on the final report and would present to the Board in January 2019.

Shane Ryan and Heather Kim, supported Plan B for affordable housing for the Redevelopment of the 300 and 500 Blocks of East Main Street.

Dr. Bettie Sue Masters, asked for a re-evaluation of the Primrose Daycare Center and other projects along Ephesus Church Road.

Commissioner Reckhow for any evidence of congestion to be emailed to her and she would forward to the planning director.

John Tarantino, of Tarantino Satire, performed a musical selection on Global Warming.

Commissioner Carter moved, seconded by Commissioner Reckhow to amend and extend time to 9:40 a.m. for Citizen Comments.

The motion carried unanimously.

## Consent Agenda

Chair Jacobs asked the Board if they had any questions about the following Consent Agenda items:

### 18-1035 Budget Ordinance Amendment No. 19BCC000014 - Fiscal Year (FY) 2017-2018 Encumbrance Rollover

No comments were made about this item.

### 18-1060 Budget Ordinance Amendment No. 19BCC000017 - Budget Changes Related to Board of County Commissioner Policy on Capital Finance Program Dedicated Revenues, Transferring \$795,205 of General Fund fund Balance to the Capital Financing Fund

No comments were made about this item.

### 18-1093 Budget Ordinance Amendment No. 19BCC000018 Recognize \$20,000 from the MacArthur Foundation and the Urban Institute for the Innovation Fund Capstone

### 18-1091 Budget Ordinance Amendment No. 19BCC000019 - Recognize Funds from United States Department of Justice in the Amount of \$91,016 for Integrated Reentry Services.

The Board asked if Durham County had to create a plan before receiving funds. Gudrun Palmer responded the County received a three-year grant and had to get the planning and implantation guide approved in the first year before the second and third-year funds would be released.

The Board asked how the court reminder program was getting publicized. Ms. Palmer responded the County was alerting citizens at every stage in the program. She added they could sign-up or a family member; police and law enforcement and courts also had the cards to handout.

#### **Directives:**

- **Chair Jacobs asked Gudrun Parmer to provide the Board with a Pre-Trial Release final report. Chair Jacobs asked Deborah Craig-Ray to do a press release highlighting programs and services offered by the grants.**

### 18-1065 Contract Amendments to Four Janitorial Contracts to Facilitate the Regular Cleaning of Admin II

The Board asked if the County was receiving a reduction for Administration Building I due to the 40 percent vacancy. Motiryo Keambiroiro, Director of General Services replied around \$1000 a month reduction. The Board stated they had concerns with the wages and benefits of janitorial workers and with the conditions of the County buildings. Ms. Keambiroiro responded the County did not have the ability to stimulate wages and the average janitorial wage was \$10-\$11.

#### **Directives:**

- **Commissioner Reckhow asked Ms. Keambiroiro to send the Board more information about the reduction for janitorial fees for Administration Building One. Chair Jacobs asked Ms. Keambiroiro to come back to the Board to discuss more about the maintenance of County buildings, wages and benefits of janitorial staff.**

### 18-1074 Machinery and Equipment Repair Contract Amendment with Pete Duty and Associates

The Board asked if there were major issues going on at the Triangle Wastewater Treatment Plant due to three amendments in the last four months. Greg Johnson, Utilities Superintendent responded five of the 200 horsepower pumps failed in one week. He added the pumps were wear and tear items.

18-1076 Machinery and Equipment Repair Contract Amendment with Alfa Laval Inc.

The Board asked since the amendment was only for \$20,800.31 which was under the threshold, was it the contract total amount that made it come before the Board. Kyle Manning, Senior Project Manager responded yes.

18-1077 Approval to use Technology Life Cycle Capital and Current Operating Funds for Annual Microsoft Enterprise Agreement Payment of \$898,341.61

The Board asked why the payment for an annual license was coming from capital funds and not budgeted as an operational cost. Greg Marrow, Chief Information Officer responded due to a language translation, it was not moved from capital funds to operational cost.

**Directive:**

- **Vice-Chair Hill asked Mr. Marrow to provide him with a memo that gave more information about products one, two, six and seven.**

18-1079 Facility Use Policy Updates to Include nine Conference Rooms for Administration Building II and Upgrade Fees

The Board asked what the changes in the Facility use Policy were. Motiryo Keambiroiro, Director of General Services responded adding nine conference rooms, establishing after hours fee use for Administration Building II and changes in Sheriff wages for facility use.

18-1083 Facility Use Policy Amendment 2 and Resolution Grant of Authority for the sale and Consumption of Alcoholic Beverages at 201 East Main Street Restaurants, Durham, North Carolina

The Board asked if they considered a policy that would allow Durham Center for Senior Life to allow alcoholic beverages to be allowed when they rent of the facility on the weekend. County Manager Davis responded the County had liability issues with the public spaces that remain. He added the restaurants were commercial spaces being leased in a County building.

The Board stated they would like a policy examined especially since we co-own the Convention Center with the City. She added the City owns Durham Performance Art Center and Durham Bulls Athletic Park which all served alcoholic beverages. The Board asked that the Memorial Stadium to be considered to serve alcoholic beverages.

**Directive:**

- **Chair Jacobs asked for staff to evaluate the Alcohol Policy at the Durham Center for Senior Life and Memorial Stadium.**

18-1094 Generator Inspection, Service and Repair Contract Amendment with National Power

No comments were made about this item.

18-1096 Design Services Amendment for the Triangle Wastewater Treatment Plant Efficiency and Resiliency Improvements Project (RFQ 17-012)

The Board asked to have the wording explained in the contract. Kyle Manning, Senior Project Manager responded the original \$30,000 was for the preliminary engineering report, first amendment was for date change, second amendment was design work and small changes for amendment three and four. He added for smaller changes up to \$500,000, the changes would not need to come to the Board. The Board suggested to change the wording to not to exceed \$450,000. Mr. Manning responded yes.

**Directive:**

- **Request made to change the wording in the Design Services contract to “not to exceed**

**\$450,000.”**

18-1100 Resolution Supporting new Traffic Signal on Hopson Road

No comments were made about this item.

18-1113 Amendment to Environmental Affairs Board Structure

The Board asked for the text in the amendment to be corrected to reflect the County to appoint two new At-large seats. The Board added the City would be appointing one new At-Large seat and one new Equity/Environment Justice seat.

Commissioner Reckhow moved, seconded by Vice-Chair Hill, to suspend the rules to allow for Citizen Comments for three minutes.

The motion carried unanimously.

Glenda Ange, wanted to know why she was not allowed to file a complaint on the Sheriff Department. She added the Sheriff Department visited her home on October 15, 2018. Ms. Ange believed it was the Durham Housing Authority since she was staying in public housing. She added she called the Sheriff Department to complain and the lady hung up on her.

**Directive:**

- **Chair Jacobs asked Jodi Miller to follow-up with complaint.**

**Discussion Items:**

**18-1092 Update #6 from the Development Finance Initiative (DFI) on the Pre-development Process for the Redevelopment of the 300 and 500 Blocks of East Main Street (Receive Board Endorsements of a Conceptual Plan and to Authorize DFI to Begin Drafting Solicitation(s) for the Redevelopment).**

Peri Manns, Deputy Director of Engineering and Environmental Services gave the Board an updated overview of the redevelopment project. Claudia Hager, General Manager introduced Dough Carter, President of DEC Associates, Inc. Mr. Carter shared a presentation on the titled “*Review of Financial Plan and Debt Affordability.*”

The Board asked how the two percent interest rate was determined. Mr. Carter responded the two percent was the standard loan interest rate. The Board asked if interest was included with the loans and bridge grants. Mr. Carter responded interest was not included. The Board asked if Mr. Carter if he was meaning a bridge loan or grant. Mr. Carter responded a bridge between the construction loan and amount that could be borrowed after construction was complete. The Board asked what happened when the property was paid off. Mr. Carter replied rare for the original loan to be paid off since most properties are sold before the loan is paid off.

Sarah Odio, Project Manager, Development Finance Initiative (DFI) shared a presentation on the titled “*Next Steps.*”

The Board asked when would ground breaking occur. Ms. Odio replied fall or winter 2020. The Board stated the commercial use and affordable housing would generate income from property taxes and two percent interest payments on loan. The Board stated they wanted a quick update and not a Master Plan update on the parking deck data. The Board recommended to discuss the item at the November 13 meeting to hear from other citizens and discuss with staff. The Board supported Plan B.

**Directive:**

- **Chair Jacobs asked staff to provide the Board with complied parking deck data available before November 13 meeting.**

**18-1099 Renewable Energy Resolution**

Tobin Freid, Sustainability Manger, Racheal McIntosh-Kastrinsky, Energy and Climate Committee Chair and Don Addu, Environmental Affairs Board Sectary answered questions from the Board.

The Board asked was it realistic to be 80 percent clean energy by 2030. Ms. McIntosh-Kastrinsky responded many of the other communities have made the strong push and decided for Durham to have similar language. The Board asked if the County could use solar panels at new parking garages being built. Ms. McIntosh-Kastinsky responded the County could incorporate solar panels into the parking garages and housing.

The Board asked if the County was planning for future natural disasters to the environment and development. Ms. Freid invited the Board to the Frontier on Friday, November 9, 2018 from 9 a.m. – 11 a.m. to discuss how to make the Durham community more resilient to natural disasters and threats.

The Board asked Ms. Freid to revise section two language to reflect the current executive order by the Governor. Ms. Freid replied also add a whereas to acknowledge executive order. The Board asked Ms. Freid to revise section one reference to the compensation land use plan revision. The Board asked if there had been any discussion of joint venture with the City. Ms. Fried replied City was doing own plan.

**Directive:**

- **Chair Jacobs asked Tobin Fried to send approved resolution to Duke Energy and Federal, State and local officials.**

**18-1107 SBA Disaster Assistance in Durham County**

Corey D. Williams, Public Information Officer with the United States Small Business Administration – Office of Disaster Assistance provided a brief overview on the Federal Emergency Management Agency (FEMA) Individual Housing Program. He explained the application process and directed citizens and business owners to apply online at [www.disasterassistance.gov](http://www.disasterassistance.gov) or by telephone at 1-800-621-3362. Mr. Williams shared statewide and local loan data and shared the deadline dates for physical damage (December 13, 2018) and economic injury (June 13, 2019). He added there was a 2-3-week turnaround time for application approval.

**Directive:**

- **Chair Jacobs asked Mr. Williams to email the County Clerk with the basic/most important information so it could be shared with the Board and Staff. She stated also asked the reporters, County Manager and Public Information to assist with spreading the word regarding the program and application process.**

**18-1108 Closed Session**

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

**Welton v. Durham Co., et al. (1:17-CV-00258)**

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 pursuant to G.S. 143.318.11 (a)(3).

Commissioner Reckhow moved, seconded by Commissioner Howerton to adjourn into Closed Session.

The motion carried unanimously.

### **Reconvene to Open Session**

Chair Jacobs stated the Board met in Closed Session and provided direction to staff.

### **18-1098 Discussion on the Proposed Amendments to Durham County Ordinance Chapter 17 - Offenses and Miscellaneous Provisions: Article II - Offenses Involving Firearms and Other Weapons**

Lowell Siler, County Attorney and Curtis Massey, Office of the Sheriff Legal Advisor discussed the proposed amendments to Durham County Ordinances Chapter 17.

The Board asked about the guidelines from the National Rifle Association. County Attorney Siler responded he would provide to the Board. The Board asked if the specific guidelines from the original ordinance were still included. Mr. Massey responded federal and state statutes were set and covering.

County Attorney Siler asked would detectives measure from the property line or dwelling if a shooting occurred. The Board responded from the dwelling. Mr. Massey asked about measuring in parks and recreation areas. The Board responded from the boundaries of parks and recreation areas. Mr. Massey asked for clarity to define a recognized gun club. The Board responded review zoning ordinance for gun clubs and make consistent with zoning ordinance. County Attorney Siler stated he would do additional research and add some additional language to make the ordinance clearer.

#### **Directive:**

- **Chair Jacobs asked County Attorney Siler to make additional revisions as needed and provide revisions to the Board.**

### **18-1050 Amendment to the Durham County Policy for Conveying County Owned Real Property**

Jane Korest, Open Space and Real Estate manager shared a presentation on the titled "*Durham County Policy for Conveying Surplus Property*" discussing the following: background, policy overview, next steps and potential properties.

The Board stated they would like title of the policy to be changed to Durham County Policy for Conveying County Owned Surplus Property. Ms. Forest replied she would update the policy title name. The Board would like to add after considering future project capital needs for departments and schools. The Board stated should a sale occur; the City should repay the County their investment up to the full sale price of the property. The Board asked did a conveyed property come back to the County after three to five years if the City had not constructed on the property. Ms. Forest responded not automatically. Nancy Mitchell, Senior Real Estate Officer added the feedback from the City was any additional layers of restrictions on the properties would make conveying more difficult. The Board questioned the 60 percent Area Median Income (AMI) versus the 80 percent AMI. Ms. Korest responded the City strongly suggested the 80 percent AMI.

### **18-1103 Durham County Property Inventory**

Jane Korest, Open Space and Real Estate Manager discussed the Durham County Property Inventory spreadsheet.

The Board asked if the spreadsheet was the entire list of all properties the County owns. Ms. Korest responded yes. The Board asked for more information about the current use and alternate use of parcels along with what was surrounding the parcels. Ms. Forest asked the Board if they wanted a one-page summary or a complete analysis of each parcel. The Board responded as much information as possible without a complete analysis. The Board asked Ms. Korest to develop policies and procedures on how to deal with the properties. Ms. Forest asked the Board for detail to develop the policies and procedures. County Manager Davis mentioned to the Board about the upcoming retreat. He added the Board could think about the properties and the policies and procedures and discuss with staff at the retreat to have the information incorporated with the Capital Improvement Program.

**Directive:**

- **County Manager Davis asked for staff to bring the Durham County Property Inventory back to the retreat.**

**18-1110 Quarterly Management Report**

Wendell Davis, County Manager presented an overview the quarterly management report. County Manager Davis explained the report focused on projects that meet strategic plan goal targets County Manager Davis asked for the Board to review the report and provide feedback.

The Board asked if the feedback should be emailed to the County Manager or brought back to another meeting. County Manager Davis responded by email. The Board asked for the report be brought back as an agenda item pm the November 26 meeting to introduce to the public and broadcast on cable television. Chair Jacobs recommended bringing the report back to the November 26 meeting.

**18-1102 Commissioners' Directives Follow-Up**

Drew Cummings, Chief of Staff, stated he could have Greg Marrows help the Board with access to OneDrive signing-in and technical questions.

Chair Jacobs asked about the directives from September that Tobin Freid was supposed to provide answers to the Board. Chair Jacobs asked about the March directive addressing the contract with Research Triangle Foundation update. County Manger Davis responded he had spoken with Scott Levitan and everything should be completed in January. Chair Jacobs asked about updates on the incentive contract with Corning Incorporated. Andy Miracle, Economic Development Officer respond still in negotiations and contact not signed. Chair Jacobs asked about the gym use at Whitted School. Mr. Cummings replied Durham Public Schools were doing a community use of facilities survey. Chair Jacobs recommended to moved Commissioner Comments to the November 13 meeting.

**Directive:**

- **Drew Cummings to work with the Clerk to the Board Office to schedule time for Greg Marrow to provide access to OneDrive and technical support for the Board.**

**18-1105 Commissioner Comments**

No comments were made regarding this item.

**18-1108 Closed Session**

The Board was requested to adjourn to Closed Session pursuant to:

- 1) G.S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on tentative list of economic development incentives that may be offered by the public body in negotiations.

The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures

- 2) G.S. 143-318.11(a)(5) to instruct staff or agents on the public body's negotiating position for acquisition of real property.
- 3) 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.

Vice-Chair Hill moved, seconded by Commissioner Carter to adjourn into Closed Session.

The motion carried unanimously.

**Reconvene from Closed Session**

Chair Jacobs stated the Board met in Closed Session and provided direction to staff.

**Adjournment**

Commissioner Reckhow moved, seconded by Vice-Chair Hill, that the meeting be adjourned.

The motion carried unanimously.

Respectfully submitted,

Macio Carlton  
Senior Administrative Assistant