

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

Monday, February 4, 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.

Betsy Crites, Co-coordinator of End Hunger Durham, addressed the food security of vulnerable citizens and how they were affected during the government shutdown. She proposed a resolution in which the Board demanded that the federal government honor its commitments to its most vulnerable citizens—even when there were policy disagreements—and not allow more government shutdowns to occur.

James Ward discussed the toppling of the Confederate monuments located in front of the Administration building and at the University of North Carolina in Chapel Hill. He wanted the Board to have the statue, or a facsimile, replaced on its base in order to show that the law should be upheld for all citizens.

Matthew McGuigan advocated for the upholding of the law and the restoration the Confederate memorial that was located in front of the Administration building.

George Roberson requested that the Board not replace the Confederate monument.

**Consent Agenda**

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

**18-1120 Budget Ordinance Amendment No. 19BCC000021 Contract for Upgrade of Computer Aided Dispatch (CAD) Systems Appropriating \$263,438 of General Fund Fund Balance**

With respect to contracts in the consent agenda, Commissioners felt that "gender identification" should be added to the 15<sup>th</sup> mutual agreement titled "Non-Discrimination in Employment." There

was a discussion about how much the County could include due to House Bill 2 and the constraints the State put in place. Staff was encouraged to include it if any gray area allowed it.

**Directive:** Staff was encouraged to include "gender identification" in the 15th mutual agreement titled "Non-Discrimination in Employment" in contracts if any gray area allowed it.

**19-0041 Budget Ordinance Amendment 19BCC000037 for the Department of Social Services - Appropriate Foster Care funds in the Amount of \$848,478 that includes a County share of \$548,838 which will be funded through a Fund Balance Appropriation**

William "Ben" Rose, Director of Department of Social Services, discussed the cost increases in foster care due to not only an increase in children entering foster care—essentially an increase in service demand—but also an increase in the costs of care.

**Directives:**

- Manager Davis to refer the potential foster care crisis to the Innovation Lab for possible solutions.
- Staff to look into Guilford County's methods as a guide for the integration of services to prevent families from falling through the cracks.

**19-0052 Approval of One Year Extension of Interlocal Agreement for the Durham Sports Commission**

**Directive:** Drew Cummings to provide the Board with metrics that show the Durham Sports Commission's performance?

**19-0059 Durham County Matching Grants Program Recommendations**

There was discussion regarding the timing of the Matching Grants Program and staff explained that it coincided with the County's budget cycle.

There were no comments made for the items below:

**19-0008 Technical changes to the Environmental Affairs Board Interlocal Agreement with the City of Durham**

**19-0026 Wastewater Pretreatment Program Interlocal Agreement with the City of Durham**

**19-0045 Budget Ordinance Amendment 19BCC000038 for the Department of Social Services to Recognize Duke Energy Carolinas, LLC - 2018 NC Rate Settlement Funds of \$85,966 and First Presbyterian Contribution of \$8,000**

**19-0044 Approval to Amend Park Center Phase I Public-Private Projects Agreement with Research Triangle Foundation**

**19-0046 Capital Project Amendment No. 19CPA000012 - Moving 2016 General Obligation Bond Funds Between Multiple Durham Public School Capital Projects and Closing Five Bond Funded Capital Projects**

**19-0056 Request to Award Contract for Sole Purchase of Control Systems Work to facilitate the Detention Center Officers' Station Improvements Project**

## **Discussion Items**

### **18-1179 Update from Durham Workforce Development Board**

Workforce development boards were first developed in the 1960s as part of Lyndon Johnson's "Great Society" initiatives. They were called "manpower development" and came in the form of block grants to the mayors of cities. As Johnson's programs morphed into the Comprehensive Employment and Training Act (CETA), then Job Training and Partnership Act (JTPA), and then Workforce Investment Act (WIA) programs, many cities sought to get out of the business of administering these programs. There were currently 24 local service areas under WIA in North Carolina: 13 were Councils of Governments (COGs), 7 counties, 1 10-county non-profit consortium based in New Bern, and 3 ran by the cities of Durham, Charlotte, and Greensboro.

The Greater Durham Workforce Development Board (Durham Workforce Development Board or DWDB) was first organized by an interlocal consortium agreement in 2003 and revised in 2015. The City of Durham provided administrative oversight and the City Council appointed a simple majority of members of the board.

The statutory role of the Durham Workforce Development Board was to be the oversight body for WIA funds in Durham County and programs offered through the Durham JobLink Career Center. The DWDB also advised and strategically planned workforce initiatives around high demand industries with the greatest potential for Durham residents to be hired.

Andre Pettigrew, Director of the Office of Economic and Workforce Development (OEWD) and Executive Director of DWDB, and Paul Grantham, Chair of the DWDB, presented to the Board. The PowerPoint included information regarding changes to the DWDB as well as the State of the Workforce, areas of strategic focus, and strategic partners.

The Board encouraged partnering with Durham Public Schools to engage young people. There was discussion regarding internships and whether there were any in the County. Manager Davis announced that meetings had already begun between staff to decide how the County would participate in this space. The Board supported expanding the number of paid internships available. Commissioner Carter brought up the idea of the County having a scholarship fund to help with training and asked that staff be made aware of how the County could help.

Chair Jacobs discussed the Youth Build program and how it benefitted the community.

### **19-0036 DFI Presentation on Opportunity Zones and Investment Ready Projects**

The Development Finance Initiative (DFI) was a program of UNC Chapel Hill's School of Government and collaborated with communities in NC to attract private investment for transformative projects by providing specialized finance and real estate development expertise. Sarah Odio, Project Manager at DFI, supplied the Board with a presentation from DFI on the fundamentals of Opportunity Zones and information regarding "investment ready projects." DFI also discussed strategies for local governments to consider as it related to the identification and promotion of investment ready projects.

The Opportunity Zone (OZ) program, created as a part of the federal Tax Cuts and Jobs Act of 2017, aimed to encourage private investment in low-income communities. The bill allowed for the deferral and reduction of federal capital gains tax liability on the reinvestment of gains in

OZs such as “new” businesses, real estate, etc. The U.S. Department of Treasury designated seven (7) census tracts in Durham County as OZs.

The Board requested that the Durham-Orange Light Rail Transit light-rail line, City-owned properties, Housing Authority-owned properties, County-owned properties, school sites and affordable housing be overlaid in the Durham County OZs map from the PowerPoint.

Ms. Odio explained that the benefit of holding an OZ investment for 10 years was that the tax liability completely went away for the appreciation of the gain. She pointed out that local governments had the ability to shape which types of investments and projects were "chosen" in their communities. Local governments could make certain projects happen, especially projects for which developers were not able to gather enough investors—OZ designation did not make projects cheaper to complete.

The Board discussed the possibility of creating a prospectus and perhaps looking at any projects belonging to the City, Durham Housing Authority, Durham Community Land Trustees, Durham Habitat for Humanity and other nonprofits that would be located inside of an OZ. Manager Davis suggested discussing this with the City and determining what public commodity both elected bodies wanted to work with. The Board requested that Andrew (Andy) Miracle, Economic Development Officer, provide a list of properties in the OZs that included: City-owned, County-owned, school sites, light rail stations and Durham Housing Authority properties.

Manager Davis stated that staff would have the Planning Department attend a Board meeting in order to explain why the specific areas were selected as OZs and what areas were around them.

**Directives:**

- **Sarah Odio to provide the Board with more information regarding a municipality using mission-oriented funds.**
- **Staff to overlay the Durham-Orange Light Rail Transit light-rail line and affordable housing in the Durham County OZs map from the PowerPoint.**
- **Andy Miracle, Economic Development Officer, to provide the Board with a list of properties in the OZs that included: City-owned, County-owned, school sites, light rail stations, Durham Housing Authority properties and to make tracks of vacant land that was a least two (2) acres.**

**19-0070 Update from Social Services regarding impact of Federal Government Shutdown on Food & Nutritional Services (FNS) program and potential for future shutdown**

Mr. Rose provided the Board with an update regarding the impact of the 35-day federal government shutdown on FNS program recipients. Social Services senior staff met with key County Departments (Budget, Finance, Emergency Management and Human Resources) to discuss how Durham County employees/citizens who received FNS benefits would be affected during a long-term, federal government shutdown. A brainstorming session included developing ways the County could prepare to properly respond in a future situation. Community partners were invited to brainstorm and develop strategies in an afternoon meeting.

A recommended action step involved developing an impact statement or a resolution about the issue to share with federal legislators with the specific request that the United States Department

of Agriculture (USDA) be funded to avoid the devastating effects of a future shutdown on citizens who rely on FNS benefits. The document could be shared with the North Carolina Association of County Commissioners (NCACC) and ask other counties to adopt a similar position. Mr. Rose provided the Board with the draft resolution.

Since requesting that no more shutdowns occur could be ineffective, staff was suggested to make the resolution's first "be it resolved" a statement requesting that the FNS program be considered a vital federal government service, or essential service, exempt from a federal shutdown. The following "be it further resolved" would call on the federal government to not shutdown in order to maintain the program funded.

Staff was made aware of the NCACC Board of Directors meeting scheduled to be held on February 15 and 16, 2019 in which commissioners from 50 different counties would be present—this resolution had the opportunity to gain more support if presented at the meeting.

The Board requested the following edits: change "churches" to "places of worship;" explicitly state how many children would be affected if possible; include that children as well as seniors would be affected; and add a sentence stating that some of the vulnerable residents hurt by the interruption in funding for Supplemental Nutrition Assistance Program (SNAP) would also be affected by the halt in funding for the Food and Drug Administration (FDA), housing choice voucher program (Section 8), Home and Community Care Block Grant (HCCBG), Women, Infants and Children (WIC), Temporary Assistance for Needy Families (TANF), Child Care Subsidy program, and others.

The resolution would be added to the Regular Session meeting agenda scheduled on Monday, February 11th to be approved and signed by all Commissioners. Staff was requested to send a copy of the resolution to the NC Department of Health and Human Services, the North Carolina Association of County Directors of Social Services (NCACDSS), and the State Delegation.

**Directives:**

- **Staff to make the following edits to the resolution:**
  - **Make first "be it resolved" a statement requesting that the FNS program to be considered a vital federal government service, or essential service, exempt from a federal shutdown.**
  - **The following "be it further resolved" would call on the federal government to not shutdown in order to maintain the program funded.**
  - **Change "churches" to "places of worship"**
  - **Explicitly state how many or what percentage of children would be affected if possible**
  - **Include that children as well as seniors would be affected**
  - **Add a sentence stating that some of the vulnerable residents hurt by the interruption in funding for Supplemental Nutrition Assistance Program (SNAP) would also be affected by the halt in funding for the Food and Drug Administration (FDA), housing choice voucher program (Section 8), Home and Community Care Block Grant (HCCBG), Women, Infants and Children (WIC), Temporary Assistance for Needy Families (TANF), Child Care Subsidy program, and others.**

- **Staff to send a copy of the resolution to the NC Department of Health and Human Services, the North Carolina Association of County Directors of Social Services (NCACDSS), and the State Delegation.**

### **19-0068 Proposed Possession and Sale of Alcoholic Beverages**

The Board was requested to give direction to staff regarding possible changes to the Facility Use ordinance and the drafting of an ordinance addressing possession and sale of alcoholic beverages on County property.

The original assignment was to identify amendments to the existing Facility Use Policy which would permit the sale and consumption of alcoholic beverages at the Durham County Memorial Stadium and the Durham Center for Senior Life. It was subsequently suggested that sale and possession of alcohol should be permitted at other sites as well, to include possible commercial venues. A review of the existing Facility Use Policy and law revealed the possible need to not only revise the Facility Use Policy, but also enact an ordinance regulating the possession and consumption of alcoholic beverages on County property because it allowed more options in terms of discipline for violators.

The Board discussed ease of following suit with what the City of Durham was doing, the possibility of the private sector thinking that the County was competing with them, using special-use permits for events in which alcohol would be given away rather than sold (like fundraising events or weddings), and how liability would be handled if someone hurt themselves while intoxicated on County property.

The Board agreed with opting for the enactment of an ordinance rather than changing the existing policy as well as with explicitly listing the County locations in which alcohol would be allowed—similar to the City of Durham’s ordinance.

There was a discussion regarding the retail space in Admin II. Motiro Keambiroiro, Director of General Services, wanted the Board to be cognizant how restaurants in Admin II and possible catering services would be affected if hard liquor was not allowed.

A Board majority agreed to allow only beer and wine in the ordinance.

### **19-0063 Commissioner Directives Follow-Up**

Board directives from previous meetings as well as staff follow-up were reviewed at monthly Work Sessions. Staff strived to have all directives inputted into the system as accurately as possible as soon after they were issued as possible and to follow-up with the Board and/or with other relevant parties in an appropriate time frame.

The Board discussed the regulations regarding how directives were given and which were accepted.

#### **Directives:**

- **Staff to get rid of older files—by deleting or moving them—that were not needed in order to declutter the Board’s shared files folder.**

- **Drew Cummings, Chief of Staff, was requested to review and accurately mark completed directives as well as follow-up with those that had not yet been completed.**

### **19-0053 Closed Session**

The Board was requested to adjourn to Closed Session 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 a 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, shall be taken in an open session pursuant to G.S.143-318.11(a)(4).

Commissioner Reckhow moved, seconded by Vice Chair Hill to adjourn 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 Reckhow moved, seconded by Commissioner Howerton, that the meeting be adjourned.

The motion carried unanimously.

The meeting adjourned at 2:53 p.m.

Respectfully submitted,



*Tania De Los Santos*  
*Administrative Assistant*