

THE BOARD OF COUNTY COMMISSIONERS DURHAM, NORTH CAROLINA

Monday, January 6, 2020

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

The Board thanked County Manager Davis and staff for all their work with regards to McDougald Terrace, a public housing complex located at 1101 Lawson Street. Impacted families were evacuated and relocated to hotels over concerns about carbon monoxide exposure, gas leaks, and moldy conditions. The Board noted the evacuation was voluntary but could be made mandatory if the County's Department of Public Health determined it was a public health emergency. General Manager Joanne Pierce informed the Board that staff was working with the State to determine what the next steps were.

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.

Heiko Rath discussed the Odd Fellows tract—a 105-acre tract of forested land adjacent to the William B. Umstead State Park and the East Coast Greenway Trail that the RDU Airport Authority (RDU) leased to Wake Stone Corp. for a rock quarry. He described how the quarry affected the environment, Umstead State Park visitors, and residents. Mr. Rath requested Commissioners do the following:

1. File an amicus brief for the appeal of the pending lawsuit declaring that Durham County, as one of the four property owners, was against the quarry.
2. Adopt, as an official resolution, the following: "The Durham Board of County Commissioners is not in favor of the use of Odd Fellows tract as a quarry and believe that the RDU Airport should have obtained the County's permission before entering into the quarry lease."
3. Instruct the RDU Airport Authority to not build the proposed 8.3 miles of nine feet high, chain-link barbed-wire fencing and avoid deforestation of 30 feet along the path.
4. Request the RDU Airport Authority use the savings from not building the fence to work with the community to make legal hiking and biking trails.

Dr. Jean Spooner, Chair of the Umstead State Park Coalition, echoed Mr. Rath's requests and urged the Board to support Umstead State Park.

At Chair Jacobs's request, Dr. Spooner discussed the responses made by Wake County Commissioners and the Raleigh City Council. She stated the Raleigh City Council unanimously issued a statement to show they were not in favor of the proposed quarry and believed the RDU Airport Authority should have gone to them prior to approving the quarry. Wake County Commissioners commissioned the UNC School of Government to conduct a study to determine the effects of a recreational connecting corridor to the RDU Airport and unanimously passed a resolution supporting the Odd Fellows Tract being used for recreation and The Conservation Fund offer—The Conservation Fund offered to buy the Odd Fellows Tract from the RDU Airport Authority to expand Umstead State Park and build single-track bicycle/pedestrian trails.

John Tarantino thanked the Board for their work in the McDougald Terrace debacle. He announced he was running for election to the North Carolina State Senate to represent District 20.

George Roberson requested the County Attorney's office provide him and the Board with a copy of Section 1 of the Thirteenth Amendment from a physical NC law book.

Directive: Willie Darby to provide George Roberson and the Board with a copy of Section One of the Thirteenth Amendment from a physical NC law book.

The Board thanked the Clerk's Office for implementing a near zero-waste meeting by using reusable tableware, water bottles, and cutlery.

Consent Agenda

The Board was requested to review the following Consent Agenda items for the March Regular Session meetings.

19-0621 Construction Services to Durham County Memorial Stadium South Grandstand Renovations

Motiryo Keambiroiro, Director of General Services, addressed the Board's concerns regarding the two improvements (field and guest seating) completed by the same contractor which had issues afterwards and the upcoming substantial contract with the contractor. The Board encouraged staff to ensure work was completed properly and issues were addressed promptly.

20-0005 Approval of Contract Amendment Adding \$58,000 to Annual Service Contract with Urban Ministries of Durham

Directive: Drew Cummings to contact Sheldon Mitchell, Executive Director of Urban Ministries of Durham, to see what he proposed in terms of a timeline or process for working with the County to address the issues identified by the Board.

20-0012 Authorize the County Manager to execute the (1) Memorandum of Understanding for 300 East Main Street - Affordable Housing Project; (2) Memorandum of Understanding 500 East Main Street - Market Rate Project; and (3) Memorandum of Understanding for 500 East Main Street - Affordable Housing Project (collectively, the “MOUs” and the “Project”); and the (4) Option to Lease Real Estate for 300 East Main Street; and (5) Option to Lease Real Estate for 500 East Main Street (collectively, the “Options”)

Peri Manns, Deputy Director of Engineering and Environmental Services, confirmed the item would be on the Monday, January 13, 2020 Regular Session consent agenda. He stated the design team was working on filling in the missing metes-and-bounds descriptions in the MOUs.

Mr. Manns discussed the timeframes for reviewing technical and aesthetic aspects of the projects.

There were no comments made for the items below:

19-0622 Public Hearing and Award of Franchise to Provide Non-Emergency Ambulance Service in Durham County

19-0623 Public Hearing and Award of Franchise to Provide Non-Emergency Ambulance Service in Durham County

20-0002 Budget Ordinance Amendment No. 20BCC000041 - Appropriate General Fund fund balance for a Contract Amendment to add \$100,000 for Instructional Services to Durham Pre-K Contract with Child Care Services Association, Inc.

20-0008 Public Hearing and Award of Franchise to Provide Non-Emergency Ambulance Service in Durham County

20-0011 Budget Ordinance Amendment No. 20BCC000039 - Recognize Funding from NC Department of Public Safety for the Local Reentry Council

Discussion Items

19-0619 Stormwater Utility Planning and Implementation Update

Ryan D. Eaves, Stormwater and Erosion Control Division Manager, and consultant Keith Readling, Raftelis, presented the Board with a progress report on the County Stormwater Utility. At the November 4, 2019 Work Session, County staff and Mr. Readling outlined a path forward in the development of the County’s Stormwater Utility, including additional work on the rate structure, educational efforts, and credit potential.

Since then, the following activities were completed:

- Digitization of 1,000 total residential parcels
- Data distribution and evaluation of those 1,000 parcels
- Recalculation of the Equivalent Residential Unit (ERU) upon which the rate was based
- Development of Tiered Rate options
- Assessment of credit program options and their costs, challenges, and benefits

This information would be presented to the Board before they determined how to structure the utility, whether to implement a credits program, and how much and which types of public education approaches would be used. Depending on these decisions, a portion of (or all) the remainder of the consultant contract would be utilized. Included in the full scope were:

- Digitization of all 13,581 residential parcels
- Final analysis and data distribution of residential parcels
- Computation and finalization of tiers and final quality control
- Final credit program development and benchmarking
- Four additional public education and outreach meetings (total of 10)

It was recommended that an asterisk be placed beside “revenue requirements” in the presentation to note it was a moving target and being worked on. Mr. Eaves confirmed the information given to the public would be detailed and clear.

The Board advocated for an equitable policy.

Mr. Readling stated that farms with homes on the lot would be treated as residential areas, and subject to one of the three flat residential rates rather than commercial fees. He emphasized that a credit was a reduction in the fee for a rate payer who reduced their demand on the county for service. A rate structure was meant to be the solution to affordability issues.

Discussion was held regarding conservation easements and the possibility of creating an exemption for such properties. Staff was encouraged to work with the Durham Soil and Water Conservation District, Open Space and Real Estate staff, Farmland Protection Advisory Board, and the Environmental Affairs Board with respect to Agriculture/Silviculture Credits.

Inga Kennedy, Planners for Environmental Quality (PEQ) President, discussed the timeline of public education and outreach.

The Board believed it was important to emphasize environmental sustainability and an equitable approach as priorities.

Mr. Readling summarized the Board’s preferences of wanting a credit program for residential and nonresidential properties which aligned with local programs (e.g. permanent conservation easements or programs through the Durham Soil and Water Conservation District). For commercial lots, the credits would be aligned with development requirements that evolved over time.

The Board raised concerns about features staff should look into in terms of assessing parcels in a fair manner—some such places included schools, nonresidential sites developed after the Neuse Rules were adopted, and the critical basin areas of falls lake which were subject to stringent requirements related to storm water.

Directives:

- **Staff to indicate the proposal applied only to residents who lived outside of city limits (roughly 88% of Durham County residents lived within city limits) in the Fact Sheet by adding a statement at the top in bold font.**

- **In terms of listing the revenue requirements, staff to list a range of needed revenue to not unnecessarily alarm citizens with high fees and worst-case scenarios.**

20-0013 Durham County Transit Plan Update

The Board received an update on upcoming planning decisions which would impact the development and priorities of the Durham County Transit Plan. The approval of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) FY2020 Transit Work Plan, Strategic Prioritization of Transportation (SPOT) 6.0 process and the Commuter Rail Study were upcoming decision points which would impact the progression of the new Durham County Transit Plan.

Discussion was held regarding the award given to the City's GoDurham from the federal government to purchase electric buses. This would allow the City to evaluate the performance of electric buses and determine whether this technology could meet the City's needs.

Staff was encouraged to be as clear and transparent as possible about funding, especially regarding the reallocation of the Durham-Orange Light Rail Transit (DOLRT) Project funds.

After some discussion regarding material changes in the initial study of commuter rail and the transit emphasis corridors, staff was requested to go through the Board anytime there would be a significant change in funding or "anything involving additional expenditure of funds."

Patrick Young, Durham City-County Planning Department Director, addressed the Board's concerns regarding the lack of diversity in the staff who presented information to the public. He noted the Ambassador Program was more diverse, around half of the 44 ambassadors were Black.

Discussion was held regarding Bus Rapid Transit (BRT), alternatives to the DOLRT project, and the experimental pilot programs to meet the needs in Treyburn and other emerging job centers. The Board emphasized the importance of transit in terms of impacting poverty; access to education and work was vital.

Staff informed the Board that the City proposed the transit emphasis corridors and was contributing staff time and management resources to advance the studies on them. The Board did not believe the County's transit dollars should replace the responsibility that the City had for providing local bus transportation.

Katharine Eggleston, GoTriangle Chief Development Officer, reviewed the Draft/Preliminary Findings Snapshot of the Greater Triangle Commuter Rail Study. Sean Egan, Director of Transportation, reviewed the risk assessment.

The Board emphasized the need to ensure certain assumptions were agreed upon by all stakeholders before spending too much on this project. There needed to be clear understandings regarding expectations about indemnification, shared use of the corridor, how much the Railroads planned to charge the County for use of the corridor. Discussion was held regarding the importance of being in agreement with all partners early in the project timeline. Mr. Young noted that the assumptions about this project represented opportunity costs for other projects

(such as the BRT project) and being clear about which assumptions were appropriate to use would be valuable for staff. Ms. Eggleston noted the problematic nature of asking entities to commit before sufficient information was available for them to make a decision. She stated that staff was doing their best to develop a recommendation that would thread the needle and provide a reasonable level of work to support a tiered and multistep approach to relationship building.

The Board suggested for staff to choose the items on the list (in the presentation) they considered essential to do a thorough risk analysis so that the Board could make an informed preliminary decision on whether to proceed. This would allow the County to spend funds on a subset of the list and/or something else that helped the Board make a better decision at the end of 12 months rather than spending \$2.3 million to complete the entire list.

Mr. Young stated the plan was to use the ENGAGEDurham website as a consolidated portal for the transit plan information. He added that the Durham County Transit Plan presentation would be added to the website within the next day.

The Board acknowledged that Aaron Cain, Planning Manager for the Durham Chapel Hill Carrboro Metropolitan Planning Organization, was appointed to a position to help coordinate Durham and Orange County Transit Plans.

Directives:

- **Aaron Cain to provide the Board with the current annual workplan that budgeted out what they're currently programmed to spend in FY2020.**
- **Patrick Young to have the ambassadors from the Ambassador Program to attend a Board meeting in March to discuss their work in the community.**
- **Deborah Craig Ray to add a link on the County website to the ENGAGEDurham website.**

20-0016 Durham County Boxing and Wrestling Commission Requests

Italo Medelius, Boxing and Wrestling Commission (BWC) Chair, discussed how the current budget standoff in the General Assembly was affecting boxers and wrestlers via the cessation of issuing permits. He touched on how the BWC hoped to make the boxing and wrestling ecosystem in Durham more accessible in terms of race and socioeconomic status. Mr. Italo presented his two requests: increase the number of board members and change the name of the BWC.

County Attorney Lowell Siler discussed the state mandate created in 1927 (amended in 1953) which prompted the creation of the BWC and charged it with certain functions. He requested time to research and determine whether either of the requests were acceptable under the law. Attorney Siler noted Mr. Medelius's request could result in the County requesting permission from the General Assembly.

Discussion was held regarding the possible name alternatives. The Board preferred something along the lines of "Martial Arts" as opposed to "Combative Sports" or "Contact Sports." The Board asked Mr. Medelius to consider more name options.

Discussion was held regarding transgender athletes as well as how the BWC could benefit Durham youth in the community (e.g. partnering with Durham Public Schools and/or recreation centers).

Directive: Attorney Siler to research the following questions and return to the Board:

- **Does the state statute call for a local Boxing and Wrestling Commission rather than a state version?**
- **Was there any precedent in the state for a locally formed Boxing and Wrestling Commission that did not collect fees and created a commission with their own rules? If so, could Durham County follow suit by not collecting fees?**

20-0014 Approve the Contract for Creation of a Durham County Early Childhood Action Plan

Drew Cummings, Chief of Staff, and David Reese, President and CEO of the East Durham Children's Initiative, presented the Board with a contract proposal. Staff planned to add the item to the Monday, January 13th Regular Session consent agenda for approval.

The Board discussed the possibility and requirements of creating a Durham County Early Childhood Action Plan (ECAP) at their October and December Work Sessions. Since the October discussion, County staff continued discussions with the East Durham Children's Initiative (EDCI), Child Care Services Association (CCSA), Durham's Partnership for Children (DPfC), and others regarding the most appropriate and effective early childhood action planning process. At the December Work Session, Commissioners directed staff to bring back a contract and scope of work reflecting the necessary tasks, processes, and funding for EDCI to assist the County by being the lead partner in the creation of the Durham County ECAP over the next 12-18 months.

EDCI, anticipating the necessary hire of a full-time project manager, expressed a strong desire for a process that could extend through the next 18 months (through the end of FY20-21).

Staff believed EDCI should play a leading role in this effort. EDCI worked to create a high-functioning pipeline of community partners serving young children in East Durham. In recent years, they repeatedly expressed interest in, and energy for, the idea of leading community-wide efforts to deepen and improve our early childhood service continuum. They were also in the process of dropping the "E" from their name to become the Durham Children's Initiative. EDCI's experience in leading collective action and private fundraising would be critical for this effort.

The October discussion centered around a proposal for EDCI to receive significant funding over 2.5 years to implement this plan. Staff believed a shorter, one-year process was both advisable and feasible. Staff also believed that some funding for other partners would be appropriate given the level of effort several of them were likely to put into this effort.

The Board discussed which additions could be made to the various Workgroups and recommended the following:

- **Governing Body: Early Childhood Systems Coordinator**

- Healthy Workgroup: Lincoln Community Health Center, Durham Public Schools support services, and the Durham County Health Department school nurse program.
- Basic Needs Workgroup: City of Durham (for transportation needs)
- Safe and Nurtured Workgroup: Alliance Health, Taskforce on Early Childhood Mental Health, and the Durham ACEs Resilience Taskforce (DART)
- Learning and Ready to Succeed Workgroup: ACEs Coordinator

The Board noted the importance of ensuring there was diversity via Black and Latinx representation. Discussion was held regarding the overlap between other groups in Durham who focused on early childhood education and how the ECAP should not attempt to reinvent the wheel.

20-0000 Discussion on the Board's Usage of Plastic Water Bottles and Cups

On December 10, 2019, the Joint City-County Committee meeting discussed the use of single-use plastic water bottles and cups during County Commissioner meetings. The Clerk's Office was asked to provide the Board with environmentally friendly alternatives.

Monica W. Toomer, Clerk to the Board, presented the Board with a brief PowerPoint on reducing consumption of single-use plastic water bottles and provided two (2) environmentally friendly, cost efficient options staff could employ within the Clerk's Office and during Commissioner meetings.

Tobin Friedman, Sustainability Manager, and the Board discussed reusable tableware and cutlery which could reduce the use of disposable options and move closer to zero-waste meetings within the County.

Discussion was held regarding the creation of a County policy to ban the use of county funds to purchase single-use plastic bottles and how staff could continue to offer water during meetings (via County purchases of water pitchers and paper cups). The Board was in support of adopting such a policy and asked that the County Manager be notified of the Board's interest in considering it at their next meeting.

It was noted that there should be exceptions to the policy based on emergency situations.

20-0006 Follow-Up on Commissioner Directives

The Board reviewed the directives.

General Manager Claudia Hager addressed Commissioner Reckhow's request for information from the City as to whether they charged for parking and, if so, how much. She discussed that staff was working on collecting data and planned on presenting the information to the Board around May 2020. There was discussion held regarding methods the County could employ for pay-for-parking and the assessment for the parking counts for the 300 and 500 Blocks on East Main Street. The Board hoped to receive the information as soon as possible to avoid having to make a rushed decision due to fast-approaching deadlines.

Chair Jacobs advocated for a discussion regarding a holistic approach to Treyburn, transportation barriers, and pilot programs to connect people to education and employment.

Directive: Staff to bring a follow-up discussion about the implementation of Transportation Demand Management (TDM) and policies related to County parking in anticipation of decisions to be made in Summer 2020 regarding the 300 and 500 Blocks on East Main Street.

Adjournment

Commissioner Carter moved, seconded by Vice Chair Hill, to adjourn the meeting.

The motion carried unanimously.

The meeting adjourned at 2:20 p.m.

Respectfully submitted,



Tania De Los Santos
Administrative Assistant