

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

Monday, May 4, 2015

9:00 A.M. Worksession

MINUTES

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

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

Presider: Chairman Michael D. Page

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.

Carolyn Adams provided the Board with a report that included research information on other detention centers. She asked that the report be shared with the Sheriff's Office and the detention center officers.

Beverly Stevenson expressed her excitement as the new Development and Marketing Officer for the Durham County Center for Senior Life. She invited the Board to the Beyu Caffé on May 20th for a golden toast and entertainment for seniors.

Victoria Peterson asked the Commissioners to make a public statement about the lock back status at the Detention Facility. She also asked for Sheriff Andrews to publically explain to the community what he was doing and what he planned to do to get control of the detention center. Ms. Peterson asked for a report on the amount of money that the inmates were spending to buy items at the detention center.

Stephanie Gans asked what the Board was going to do about the detention center situation and how would the Board protect the family and friends of the inmates from mental anguish and unfairness that was represented with the lock back at the detention center.

John Tarantino gave a musical satire about Hilary Clinton.

Nadiah Porter asked the Board to call for an immediate review and policy revamp of the detention center.

Discussion Items:

Lowell Siler, County Attorney introduced Assistant County Attorney, Nathan McKinney and Senior Assistant County Attorney, Willie Samuel Darby to the Board.

15-402 Update on Piedmont Food and Agricultural Processing Center

Matthew Roybal, Executive Director shared a presentation about Piedmont Food and Agricultural Processing Center. Mr. Roybal introduced Mike Ortosky, Orange County Agriculture Economic Developer.

Commissioner Reckhow thanked Mr. Roybal for the presentation.

Commissioner Jacobs thanked Mr. Roybal for his hard work and commitment. She asked Mr. Roybal to name some of the Durham businesses that he had worked with. Mr. Roybal responded Yawp Nutrition Bar was the largest Durham business. He also mentioned Sweet Neecey Cake Mix, food trucks and a fermented tea drink maker. Commissioner Jacobs invited Mr. Ortosky to attend a Farmland Preservation Board meeting.

15-417 2014 Annual Report – Durham Bicycle and Pedestrian Advisory Commission

Erik Landfried, Chair, Bicycle and Pedestrian Advisory Commission shared a presentation on the Durham Bicycle and Pedestrian Advisory (BPAC). This presentation highlighted the following: BPAC Background, BPAC Membership, Recent Accomplishments, 2014 Tour de Fat, American Tobacco Trail I-40 Bridge, Complete Streets and BPAC Goals for 2015.

Mr. Landfried invited the Board to attend the bike month kick-off in front of Tyler's on the American Tobacco Campus at 5:30p on May 7th.

Chairman Page asked why 60% of pedestrian crash victims in Durham were African American. Mr. Landfried responded that African Americans in Durham walked more so they were more exposed. Chairman Page asked Mr. Landfried about doing a presentation in East Durham to local leaders in the area to encourage more bike riders and safety.

Commissioner Jacobs asked how the Complete Streets plan would be funded. Mr. Landfried responded the City staff had identified a federal funding grant that would provide 80% of the funding and 20% would need to be funded from a local source. He added the biggest concern was staff resources. Mr. Landfried stated Dale McKeel was the only staff devoted from the City and County. Commissioner Jacobs asked what the barriers were for the National Walk & Bike to School Day. Mr. Landfried replied there was no funding for this event, so it was mostly done by volunteers and PTA. He added some schools didn't have a safe route or infrastructure to participate. Commissioner Jacobs asked about NCDOT adopting Complete Streets and if there were issues with the East End connector and Alston Avenue. Mr. Landfried replied the Alston Avenue project should be better after engaging with the community. He added the East End connector had worked with NCDOT improving sidewalks and crossings, but some areas had issues that needed more work. Commissioner Jacobs asked how the City was using the pedestrian crash data to have campaigns to improve certain areas. Mr. Landfried responded they

had participated in the Watch for Me NC, Durham Walks Plan and had improvements in certain areas based on crash data.

Vice Chair Howerton asked about the amount of resources generated from the American Tobacco Trail I-40 Bridge. Mr. Landfried responded North Carolina State had conducted a study of how much economic benefit was driven before and after the bridge was built. He added about \$3.5 million dollars were generated from building the bridge. Vice Chair Howerton asked Mr. Landfried to provide the Board with a copy of the report about how North Carolina State arrived at the dollar figure generated from the Tobacco Trail I-40 Bridge.

Commissioner Reckhow hoped the Board would adopt a resolution to support Complete Streets. She requested the BPAC to provide the Board with a draft resolution. Commissioner Reckhow stated she would like for the BPAC to help with the gaps in sidewalks and schools outside of city limits. She asked if a request had been made with the City and County about a full time employee being added to work on BPAC projects. Mr. Landfried responded that the BPAC had made a recommendation, but a specific recommendation would need to come from the Transportation Department.

County Manager Davis stated the Strategic Plan would be updated with specific objectives and goals for specific areas and public policy.

Directives:

- **Vice Chair Howerton asked Mr. Landfried to provide the Board with a copy of the report about how North Carolina State arrived at the dollar figure generated from the Tobacco Trail I-40 Bridge.**
- **Commissioner Reckhow asked BPAC to provide the Board with a draft resolution and to help with the gaps in sidewalks and schools outside of city limits.**

15-413 Discussion of Durham City-County Workforce Development

Kevin Dick, Director of Economic and Workforce Development discussed the changes to the Workforce Innovation and Opportunity Act (WIOA) of 2014, the Interlocal Agreement between the City and County for Workforce Development and By-laws for the Durham Workforce Development Board (DWDB).

Commissioner Foster asked if the previous language stated the City would have the majority appointments or would the City and County have equal appointments. Mr. Dick replied there was an odd number of appointments and the City had the majority. Commissioner Foster asked why the City had more appointments than the County. Mr. Dick responded the City had administrative and financial responsibility. Commissioner Foster asked about the current Real Property guidelines and any changes with Real Property guidelines. Mr. Dick responded the existing Interlocal agreement stated the DWDB would neither acquire nor dispose of any Real Property. He added with the new guidelines and what the federal act would allow, it would create flexibility to purchase and dispose of Real Property. Commissioner Foster asked what properties the Workforce Development Board would like to obtain. Mr. Dick responded there was no immediate plan to purchase properties or supplies.

Commissioner Reckhow asked could there be a certain number of appointments for the City and County. Mr. Dick replied the exact number of appointments for each had not been set yet, but the maximum would be 23 appointments. Commissioner Reckhow asked if the Mayor and the Chair of the Board would make the appointments. Mr. Dick responded the City Council as a whole and the Board of Commissioners as a whole would vote on the appointments. Mr. Dick explained the composition of the new board members would be more decision makers, private business and small business CEO's. He added the Executive Board would be reviewing the new DWDB member representation. Commissioner Reckhow stated she would be interested in the report. Commissioner Reckhow asked if the board had 20% labor representation. Mr. Dick responded the board had one labor member and one apprenticeship member would be joining in July. He added the board would have to find another labor member. Commissioner Reckhow stated the DWDB Interlocal Consortium Agreement Resolution was vague and needed to be updated or an added attachment. Mr. Dick responded that he would incorporate the changes into existing language or add an attachment.

Vice Chair Howerton asked if there was a procedural process to remove elected officials from the Workforce Development Board. Mr. Dick replied that the Board would follow the administrative guidelines that govern boards. He added that he recommended the Chair formally remove the elected officials in line with the fiscal year. Mr. Dick stated the elected officials could still attend the meeting but not have any voting rights. Chairman Page asked if removing the elected officials was a Workforce Development recommendation. Mr. Dick responded that removing the non-statutory positions would be the easiest way to reduce the number of board members. Mr. Dick mentioned for the other members whose term was expiring on June 30, 2015 to not be reappointed if possible. He added if not, then select members would have to be removed.

County Manager Davis stated this could be an opportunity to strengthen the ties between Workforce Development and Made in Durham.

County Attorney Siler asked if the new By-Laws would state which appointments the County made and which appointments the City would make. Mr. Dick responded he would get together with the City Clerk and County Clerk to define the appointment layout. He added a process could be put in place to address the simple majority language. County Attorney Siler asked if the federal law stated 23 was the maximum number of members. Mr. Dick replied the federal law didn't state that, but made recommendations in terms of numbers. He added the State recommended 19 members, but it was not mandated.

Chairman Page asked since the DWDB had to be reduced from 29 to 23, whether the Executive Board recommended the elected officials be removed. Mr. Dick responded there had not been a formal recommendation to remove the elected officials. He added the Executive Board started with the non-statutory positions, which were elected officials. Chairman Page asked if DWDB was being mandated to remove elected officials. Mr. Dick responded it was not mandated to remove elected officials, but to reduce the size of the board. Chairman Page expressed his concern about removing the elected officials from voting positions on the board. Chairman Page asked about the interview process for applicants. Mr. Dick responded that the interview process was used for checking for hiring authority and impacting policy.

County Manager Davis asked Mr. Dick to amend the language in the draft resolution documents and include the item on the consent agenda for Monday, May 11, 2015.

15-409 Discussion of Joint City-County Economic Development Strategic Plan Adoption

Marqueta Welton, Deputy County Manager shared a presentation on the Durham Joint Economic Development Strategic Plan. The presentation highlighted the following: Objectives, Background and Timeline, Continue or Start FY15-FY16, Additional Initiatives FY15-FY-17, Ongoing Initiatives, Strategic Focus Areas, Business Retention and Recruitment, Business Friendly Environment, Infrastructure and Talent Development.

Chairman Page asked for an explanation of the one-stop shop approach. Ms. Welton responded the one-stop was an opportunity for developers to access everything needed between the City and County in one place.

Commissioner Foster asked whether the City retained the Chamber of Commerce or just the County. Ms. Welton replied just the County. Commissioner Foster asked about defining the City role and the County role. Ms. Welton replied the plan was intended for the City and County to collaborate on everything.

Commissioner Reckhow asked why the Chamber of Commerce was not included as a lead. Ms. Welton responded the Chamber of Commerce was always a partner with the County, even if not mentioned. She added the Chamber of Commerce did a lot of work with small businesses. Commissioner Reckhow mentioned there was not a good presence on Economic Development on the County website. Ms. Welton replied that it was a resource issue. Commissioner Reckhow asked County Manager Davis if the Economic Development information could be added to the County's website. County Manager Davis replied he would work with IT to get the information added to the website. Commissioner Reckhow stated the report was more City oriented than County. Kevin Dick, Director of Economic and Workforce Development responded that the city measures were for attracting more people and more employers to Durham. He stated the report could include more measures related to the County. Commissioner Reckhow mentioned that schools and education should be included.

Commissioner Jacobs asked to have Downtown Durham Incorporated included as a lead. Ms. Welton responded Downtown Durham Incorporated would be involved. Commissioner Jacobs asked for a chart to analyze the difference between the City and County and what each could invest in terms of incentives. Ms. Welton replied she could provide the Board with the chart from the School of Government.

Vice Chair Howerton asked about the money being asked for in the Budget. Ms. Welton responded the \$5000.00 was the projected cost for a consultant if needed. She added the plan was to have an intern do the work. Commissioner Howerton asked if the Board need to make a decision soon. Ms. Welton responded she hoped the Board would adopt at the next meeting.

Commissioner Jacobs asked the effect on the Planning Department since they since already had their work plan in place. Ms. Welton responded the resource implication would be staff time or

interns. She added if staff or interns were not available, then the \$5000.00 for a consultant would be addressed. Commissioner Jacobs asked how would this plan be different from what was already being done. Ms. Welton replied the developers were looking for someone or something with authority under the County Manager that they could go to get assistance and guidance to get issues solved.

County Manager Davis mentioned the City had already adopted the plan. He mentioned after the revisions it may need to go back to the City Council for consideration. Ms. Welton stated the plan documents would be revised and brought back to the Board.

Directives:

- **Commissioner Reckhow asked County Manager Davis if the Economic Development information could be added to the County's website. The report should include measures related to the County, as well as schools and education.**
- **Commissioner Jacobs asked for a chart to analyze the difference between the City and County and what each can invest in terms of incentives from the School of Government.**

15-335 Rougemont Water System Update

Drew Cummings, Assistant County Manager, gave a presentation about the Rougemont Water System Update. The presentation highlighted the following: Quick Updates, Issues for BOCC Input, Water Service Agreement and Proposed Rates.

Commissioner Reckhow asked if the County was not getting full cost recovery with fees, where was the money coming from to pay the bill. Joseph Pearce, Utility Division Manager replied the money to pay the bill was proposed to come from the enterprise fund. Commissioner Reckhow asked if County Attorney Siler had signed off on the proposed supplement. Mr. Pearce responded no. Mr. Cummings mentioned other options could include a full cost recovery. He added once the system was operating, the County could bid out operations. Commissioner Reckhow asked if the full cost rates had been calculated. Mr. Pearce responded no, it would depend on the long term. He added at first there was a lot of sampling, but would be close to cost recovery in subsequent years. Commissioner Reckhow asked if the County could charge each home a tie-on fee to cover the \$10,000 needed for the first year. Mr. Pearce responded the CDGB grant was for a free tie-on. Commissioner Reckhow asked to be informed about the rates. Mr. Cummings responded work would continue with the Attorney's office about the rates. Mr. Pearce added the finance department would be involved also.

Commissioner Jacobs asked how many households would be a part of the system. Mr. Pearce responded around 40 homes. Commissioner Jacobs asked what the overall cost would be. Mr. Pearce replied the overall cost would not be known until the bids were returned. Commissioner Jacobs asked why the County wanted to do the initial startup and not Aqua. Mr. Pearce responded the initial startup would be the most difficult time period. He added after the system was built and developed then Aqua would step in and take over.

15-412 Discussion of House Bill 640

Deborah Craig-Ray, Assistant County Manager, discussed House Bill 640 “Outdoor Heritage Act.”

Commissioner Reckhow asked to find out if Cumberland, Guilford, and Forsyth counties would be exempted. Ms. Craig-Ray responded she would contact the counties.

Commissioner Jacobs suggested contacting citizens to get their feedback on House Bill 640. Commissioner Jacobs asked about counties being able to pass their own bill. Ms. Craig-Ray responded in 2017 other counties could pass their own hunting bans. Commissioner Jacobs asked if House Bill 640 was time sensitive. Ms. Craig-Ray responded it was unknown.

Ms. Craig-Ray stated House Bill 640 could be brought up at the Monday May 11th meeting or a later meeting.

Directive:

- **Commissioner Jacobs asked to get citizen feedback on House Bill 640 and about counties being able to pass their own hunting ban bill.**

Added Item - The Stepping Up Initiative

Commissioner Foster discussed the Stepping Up Initiative--a national initiative to reduce the number of people with mental illnesses in jails. He added County elected officials were being asked to pass a resolution or proclamation as part of the call to action. Commissioner Foster mentioned a national summit would take place in spring of 2016. He added counties that had passed a resolution and take lead would have potential opportunities for assistance through federal and private grant programs.

Vice Chair Howerton asked Chairman Page to ask the Mental Health Board to review the Stepping Up Initiative. Chairman Page responded he would ask at the next Mental Health Board meeting. He added he would ask other Commissioners from Wake and Cumberland counties.

Chairman Page asked staff to prepare and tailor the resolution. County Manager Davis responded he would put the item on the Executive Leadership Team agenda and have the item put on the Board agenda.

Directive:

- **Chairman Page asked staff to prepare and tailor the resolution.**

Added Item – Tax Help

Lorisa Seibel, Director of Housing Programs, Reinvestment Partners, presented information about NC Homestead Exclusion Program. She discussed three property tax relief programs: Elderly or Disabled Exclusion, Disabled Veteran Exclusion and Circuit Breaker Tax Deferment Program.

Ms. Seibel mentioned the applications were available on the County’s website. She added that the tax department could help citizens with details of the applications. She mentioned

applications were on tax website but no explanation. Mr. Seibel also discussed paying your taxes monthly.

Commissioner Reckhow mentioned departments needed to review their websites. County Manager Davis responded that he would get with IT to look at tax website. Commissioner Jacobs asked for the applications to be sent to other departments and key people in the County and City. Chairman Page suggested sending the applications to all department heads.

Directive:

- **Have departments review their websites**
- **Send applications to departments and key people in City and County**

Adjournment

Commissioner Foster moved, seconded by Vice Chair Howerton that the meeting be adjourned.

The motion called unanimously.

Respectfully Submitted,

Macio Carlton
Senior Administrative Assistant