

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

Monday, March 7, 2016

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.

James Augins, Carolina Arbors Community Awareness Club Co-Leader, discussed the insufficient EMS resources available to serve the County and specifically the EMS response times in his community that were too long. He requested that EMS resources be increased to effectively serve the community and that they are kept up with population growth in the future.

Commissioner Jacobs stated that his suggestion of asking Resident Satisfaction Survey participants whether they had used EMS services in the last year before asking them to rate EMS services would yield valuable information. Commissioner Reckhow countered that it could make the sample size too small since few people use EMS services in a year, thus yielding results that were not statistically reliable.

Elois Johnson requested that the Board approve the canine waste ordinance.

Gwyn Silver urged the Board to adopt the proposed canine waste ordinance with a six (6) month education period after the ordinance was in effect with civil penalties being used after the education period.

John Tarantino delivered two (2) musical performances, the first was a Good Friday hymn in Spanish—he asked for increased security at the Urban Ministries parking lot—and the second was a eulogy in honor of the late Antonin Scalia, Former Associate Justice of the Supreme Court of the United States.

Chairman Page stated that the Board would look into the security needs.

Discussion Items:

16-907 Proposal for an Additional Code Provision to be Added to Chapter 4 of Durham County Code of Ordinances entitled: Animals, Regarding Canine Waste Removal

Marie Costello Inserra, Senior Assistant County Attorney, spoke about the proposed code provision to Chapter 4 of Durham County Code of Ordinances that addressed canine waste removal. She described the negative environmental impact that resulted from not removing canine waste—it could affect other animals, water quality, and even people by way of bacteria, parasites, and added nitrogen to water sources. A YouTube video was played at the end of the presentation promoting canine waste removal.

Commissioner Reckhow thanked Attorney Inserra for her work and suggested an education campaign/warning period before the ordinance was put into effect in order to ensure that residents were fully informed on the subject. Attorney Inserra stated that she could speak to Lieutenant Deck about using the following six (6) months as the warning period. Commissioner Reckhow asked when the ordinance effective date could be set. Attorney Inserra calculated that it could begin around August 14th or 15th. Commissioner Reckhow approved and noted that this would be an additional tool in keeping water quality high.

Commissioner Jacobs thanked Ms. Elois Johnson for bringing the issue to their attention and emphasized that the campaign was not intended to penalize citizens but rather educate them as to the negative effects of not picking up their pet's waste. She believed that the education period would need to be heavily publicized to be effective and hoped that different departments and community organizations would contribute to the effort.

Commissioner Jacobs asked if people would be given first warnings or citations. Attorney Inserra stated that it would be difficult to keep track of warnings, but ensuring citations were not too harsh would be beneficial.

Commissioner Reckhow reemphasized the opportunity for collaboration and suggested a few options including attending PAC meetings and giving informational talks, partnering with the City, and asking homeowners associations (HOAs) to provide baggies for homeowners. Commissioner Jacobs stated that including canine waste removal ordinance education in schools would be beneficial as it would enable students to then educate their parents.

Chairman Page inquired whether the City had a similar ordinance. Commissioner Reckhow informed him that the City did have regulations regarding water quality protection via picking up pet waste. Attorney Inserra mentioned a State mandated program of pet waste stations in which the State paid 75% of the cost if the County forwarded them the 25%.

Commissioner Foster wanted to move forward with the ordinance and did not believe that the educational grace period was necessary considering that the community had been mulling on the subject for some years. Commissioner Reckhow believed there should be an education delay in the ordinance to ensure that citizens understood it before it was enforced. Commissioner Jacobs and Vice Chair Howerton endorsed the six (6) month grace period.

Chairman Page requested that Attorney Inserra attend the Joint City-County Committee meeting on Tuesday, March 8th. Attorney Inserra agreed to attend and added that the County's Ordinance Codes were also enforceable within City limits.

16-910 Amend the County Code Concerning Ambulance Franchises, Authorize the Creation of the EMS Peer Review Committee, and Receive a Report on the Status of Recent Investments in the EMS system, as Requested in the January 2016 Worksession

The Board was requested to consider, review and offer comments to the proposed amendment to the code provisions to Chapter 12, Article 2 of the Durham County Code of Ordinances, concerning the franchise of ambulance services, to change the term from 3 years to 2 years, to eliminate duplicate or unnecessary provisions, and to update and streamline the process for handling franchise applications.

The Board was further requested to review and offer comments to the creation of the Durham County EMS Peer Review Committee, as required by N.C.G.S. § 131E-155(a)(6)(b) (statute) and 10A NCAC 13P .0408, replacing the current EMS Advisory Council.

The Board was further requested to receive a report on the status of recent investments in the EMS system, as requested at the January 4, 2016 Worksession.

Attorney Inserra presented a PowerPoint to the Board.

Commissioner Reckhow inquired whether the current Emergency Medical Services Advisory Council would be disbanded and replaced. Attorney Inserra confirmed it would. Commissioner Reckhow hoped we would thank all the members who had served. Chairman Page requested that the Clerk's office help with this.

Skip Kirkwood, Director of EMS, discussed recent EMS investments. Chief Kirkwood clarified that the 23 additional positions the Board funded were to adequately staff all 14 ambulances—they were previously understaffed—and keep them all on the road at the same time. The added positions only caught the department up, it did not help alleviate the growing need for more ambulances or more staff.

Chief Kirkwood suggested a field day for the Board so they could see the new equipment in action.

Commissioner Reckhow questioned how long the County had had 14 ambulances. Chief Kirkwood informed her that the data he had available went back to 2009. Commissioner Reckhow noted that the Durham population had grown steadily since then and even the growth rate had increased; EMS needed to be included in County growth plans, just like other services.

Commissioner Reckhow recalled a past resolution that called for joint planning of facilities with the City and believed the practice should be restored in order to frugally meet the needs of the growing population. Manager Davis concurred and emphasized the need to plan future investments intentionally and carefully.

Commissioner Jacobs thanked Chief Kirkwood and appreciated the inclusion of information on equipment and training as well as added staff and ambulances. She stated that they needed to compare the current EMS resources and increase them in a coordinated manner. Manager Davis noted that the County would need to decide on the acceptable level of service delivery for EMS in terms of the number of available ambulances per call as well as response times. Chief

Kirkwood added that there was no national standard for EMS response performance.

Vice Chair Howerton inquired what level the County was at in regards to response time and what the desired level was. Chief Kirkwood informed her that EMS was between holding steady and getting worse; the wait time was currently nine (9) minutes 50% of the time, but the target was a response time of nine (9) minutes 90% of the time. The longest wait time was 14 minutes.

Commissioner Reckhow was concerned that the salaries for employees in EMS and at the Detention Center were not competitive enough and believed that it was a contributing factor to the difficulty in filling positions. Chief Kirkwood stated that the wages were similar to neighboring Counties, but the amount of effort and stress was higher in Durham County due to insufficient EMS resources.

Commissioner Jacobs discussed the pipeline created by the Academy of Medicine and how it was being used by many students of color and women.

Directive:

- **Clerk's office to help with thanking all the members who served on the Emergency Medical Services (EMS) Advisory Council.**

16-921 Amendment Discussion for Parking Ordinance Chapter 24 Amendment

The Board was requested to receive the staff report and provide staff with policy guidance towards drafting the regulations for the proposed changes to the County parking ordinance (chapter 24).

Ed Miller, Security Manager, and Motiryo Keambiroiro, Director of General Services, went over the proposed changes to the parking ordinance which included two new parking areas, public use after business hours for certain lots, and the changeover of primary enforcement of the ordinance from the Sheriff's Office to the contract security vendor.

Commissioner Reckhow inquired as to the status of the Durham Convention and Visitors Bureau building in terms of ownership and parking lot purpose. Manager Davis informed her that they were currently engaged in dialogue about the facility. Mr. Miller stated that the parking spots were not restricted because the County had only recently acquired them and no provision existed for them. Director Keambiroiro added that they were attempting to ensure that the parking lots were tied to the future use of the corresponding building and the only way to do that was by including them in the parking ordinance.

Director Keambiroiro asked whether they should remove restrictions for flat parking lots, possibly reducing parking deck revenues, and what the limits of public use of parking lots should be—specifically whether vehicles should be allowed to be left overnight.

Commissioner Jacobs believed that service parking lots should be open to the public in the evenings and weekends as they would encourage downtown life. She was concerned with the effort that would be required if the County started ticketing and towing people. Commissioner Reckhow concurred and stated that the public paid for the parking lots through taxes and they should have open access to them. This could prompt the private sector to follow suit.

Commissioner Reckhow, Commissioner Jacobs, and Director Keambiroiro discussed

enforcement practices regarding vehicles left overnight and beyond. The final suggestion was removing the option for overnight parking.

Vice Chair Howerton suggested adding language that absolved the County of liability for loss, stolen items or damaged cars parked in County lots.

16-922 Farmland Protection Advisory Board Update

The Board was requested to receive an update from the Farmland Protection Advisory Board on its recent accomplishments. Durham County agriculture had undergone a transformation over the past decade with the emergence of a diverse small farm sector focused on local marketing opportunities. New opportunities were emerging for small farms to sell food and services in the local marketplace, yet agricultural operations required a stable land base to innovate and make new investments. Durham County's farms provided nourishing food for the community and the Farmland Board assisted with getting the products to the County citizens. Additionally, the farmland in the County's watersheds helped preserve clean water for residents. Farmers also paid far more in taxes than they consumed in taxpayer-funded services, helping to subsidize such services in developed parts of the County. The presentation touched briefly on the cost of community services.

In 2009, the BOCC approved an Agricultural Development and Farmland Preservation Plan. The overall goal of the plan was to create a profitable and sustainable agricultural sector in Durham County that could assure a healthy farm landscape and access to fresh, local foods for the next generation. The development of the plan was tailored for Durham County and contained 32 goals. The Farmland Board presented some of its completed projects and discussed some of its future needs to meet other pressing goals.

Kathryn Spann, Vice Chair of Farmland Protection Advisory Board, introduced Neil Frank, Chair of Farmland Protection Advisory Board; Eddie Culberson, Director of Soil & Water; and Mike Dupree, Agribusiness & Environmental Services Manager for Soil & Water.

Ms. Spann went over the presentation they prepared which included information on the Farmland Preservation Plan, accomplishments, the board's current efforts and priorities, and the upcoming 2016 budget requests.

Mr. Dupree discussed the Bionomic Education Training Center (BETC) program as well as the new horticulture and agriculture classes in various Durham schools.

Ms. Spann mentioned that few Durham farmers were able to get into the Downtown Durham Farmers' Market—out of over 70 vendors only 6 were Durham farmers—and the decision making process regarding applications was conducted by a private-nonprofit board made up of vendors located outside of Durham. Commissioner Reckhow suggested sending a joint letter from Chairman Page and Mayor Bell to the vendors regulating the Downtown Durham Farmers' Market to help encourage them to admit more Durham farmers.

Commissioner Reckhow proposed the idea of Durham County partnering with the Farmland Protection Advisory Board to create a summer internship opportunity for ten (10) disadvantaged youth to work on farms; the Durham County Access vans could provide transportation. Ms. Spann stated that transportation was a critical barrier, but the idea was a great one.

Directive:

- **Send joint letter from Chairman Page and Mayor Bell to the vendors regulating the Downtown Durham Farmers' Market to help encourage them to admit more Durham farmers.**

16-928 Appointment - Workforce Development Board

The Board was requested to appoint a “Barriers to Employment” position on the Workforce Development Board. The NC Commerce Department mandated that the membership of the Board be completed by March 1, 2016 in keeping with the Workforce Innovation and Opportunity Act (WIOA). The Executive Board of the Workforce Development Board recommended Michael Becketts for this position.

Commissioner Foster moved, seconded by Vice Chair Howerton to suspend rules.

The motion carried unanimously.

Vice Chair Howerton moved, seconded by Commissioner Foster to appoint Michael Becketts to the Workforce Development Board in the “Barriers to Employment” position.

The motion carried unanimously.

Closed Session

The Board was requested to adjourn to closed session pursuant to 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 Howerton moved, seconded by Commissioner Reckhow that the Board adjourn to Closed Session pursuant to 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.

The motion carried unanimously.

Reconvene from Closed Session

The Chair announced that the Board met in Closed Session and no action was taken.

Adjournment

Commissioner Jacobs moved, seconded by Commissioner Reckhow, that the meeting be adjourned.

The motion carried unanimously.

Respectfully submitted,

Tania De Los Santos
Administrative Assistant