

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

Monday, August 7, 2017

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.

Elois Johnson presented three (3) requests to the Board regarding unsupervised pets roaming her neighborhood. They were 1) to have pet dogs registered with the Sheriff's Office; 2) to hold employees accountable when they did not cite pet owners as needed; and 3) to reevaluate the protocol for repeat offenders (pet owners who continued to let their dogs roam the neighborhood unsupervised). She stated that the Sheriff did not respond to her messages.

Commissioner Carter, a member of the Animal Welfare Advisory Committee, stated that she would follow-up with Ms. Johnson.

Gwyn R. Silver was in support of the comments and requests made by Ms. Johnson. She hoped that the Board would follow through with a response. She also spoke on the Alcoholic Beverages Ordinance and urged the Board to consider how it could change the community.

John Tarantino performed a musical selection for the Board.

Discussion Items:

17-0355 Removal of Citizen Board Members Due to Poor Attendance

The Board was requested to remove the following members from the Farmland Protection Advisory Board in keeping with the Attendance Policy approved by the Board of County Commissioners in August, 2014. "If an appointee has absences (excused or unexcused) which constitute more than 50% of the meetings in any calendar year or three (3) consecutive unexcused absences or five (5) consecutive excused absences in any calendar year, he or she is obligated to resign."

- Beecher Gus Gray
- Demetrius Thompson

The Clerk's Office was notified by the Farmland Protection Advisory Board of the absences and attempted to contact the board members. There was no response.

Commissioner Reckhow moved, seconded by Commissioner Howerton, to suspend the rules.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Commissioner Howerton, to remove Beecher Gus Gray and Demetrius Thompson from the Farmland Protection Advisory Board.

The motion carried unanimously.

17-0213 Introduction of Andre Pettigrew, New Director of the Office of Economic and Workforce Development

The Board welcomed Andre Pettigrew, the City's new Director of the Office of Economic and Workforce Development (OEWD) who, as part of that role, was also Executive Director of the Durham Workforce Development Board (DWDB). Commissioners had previously expected a more detailed update, but the leadership transition at OEWD delayed the delivery. Staff believed that an introduction and brief conversation about the future efforts of OEWD and the DWDB would serve best until a broader presentation and broader engagement was possible.

Mr. Pettigrew stated that he looked forward to working with the Board and with the members of the Durham community. He spoke on the value of shared economic prosperity and jobs. He felt that one of the most important measures of the future was how much they were able to engage Durham Public Schools students.

Chair Jacobs discussed the importance of the update reports and why they were necessary to the Board. She mentioned the incentives that businesses were given for hiring a certain percentage of Durham residents. Mr. Pettigrew concurred that those types of incentives were critical and hoped that the work would be expanded in beneficial ways.

Commissioner Howerton noted that it was difficult to contact the OEWD; unanswered voicemail messages were common.

Commissioner Reckhow thanked Mr. Pettigrew for coming and suggested that he return to meet with the Board in the near future--it would allow for the sharing of concerns and priorities.

Commissioner Carter hoped that the Durham YouthWork Internship Program would be a focus for Mr. Pettigrew as well.

Upon Chair Jacobs's request, Drew Cummings, Chief of Staff, agreed to send the Board the information he pulled together regarding the OEWD.

Commissioner Reckhow requested that staff look at federal, state, and local laws and regulations regarding who could serve on the DWDB.

Directives:

- **Drew Cummings to send the Board the information he pulled together regarding the OEWD.**
- **Staff to look into federal, state, and local regulations regarding the eligibility**

requirements for members of the DWDB.

17-0357 Unified Development Ordinance Text Amendment, Signs (TC1700002)

The Board was requested to receive a presentation on the Unified Development Ordinance Text Amendment, Signs (TC1700002).

Text amendment TC1700002 was initiated by the Planning Department to revise the current signage regulations within Article 11, Sign Standards, primarily to conform to the United States Supreme Court ruling in Reed v. Town of Gilbert, along with any other updates necessary to conform to other applicable state or federal law. CodeWright Planners, LLC, along with the Brough Law Firm, were contracted to lead this effort.

CodeWright presented an introduction to the project and a cursory assessment of the current code.

A public hearing would be held at a future meeting.

17-0356 Urban Open Space Plan

Grace Smith, AICP, CZO, Planning Supervisor, presented the Board with a presentation on the draft Urban Open Space Plan.

The Durham Comprehensive Plan, through its adopted Policy 7.2.2f, Urban Open Space Plan, directed that open space plans be developed for the Downtown, Urban, and Compact Neighborhood Tiers. The draft Urban Open Space Plan categorized the many different types and purposes of open space, and provided recommendations to create and preserve open space areas through a variety of tools and resources.

Chair Jacobs and Sara Young, AICP, Planning Department Assistant Director, discussed why the Durham Planning Commission did not approve the draft plan.

Commissioner Reckhow stated that there was a lot needed in the draft. She felt that the County's signage was not very good for parks with respect to letting the public know the park was accessible to them. She described an Ohio county's signage and how they grouped parks and schools together—this method created focal points for the community. Commissioner Reckhow felt that the draft Urban Open Space Plan was weak because it had no timelines or enough details.

Vice Chair Hill was concerned with the walkability of Durham and how walkable paths that led to trails were.

Ms. Smith and Commissioner Carter discussed stormwater runoff. Chair Jacobs, referring to page 21, did not see anything related to use of low impact development for stormwater runoff. She also did not see potential places to add parks such as old parking lots or buildings that could be demolished and turned into greenspaces close to residential areas—close enough to be less than a 10 minute walk. Commissioner Reckhow concurred.

Ms. Smith confirmed that the plan would be amended to include all requested changes.

Directive:

- **Urban Open Space Plan to be edited to include timelines, more details, low impact development for stormwater runoff plans, and potential places to add greenspaces, and bring back for future public hearing.**

17-0358 Unified Development Ordinance Text Amendment, Updates to Design District Zoning Regulations (TC1400003)

The Board was requested to receive a presentation on the Unified Development Ordinance Text Amendment, Updates to Design District Zoning Regulations (TC1400003).

Text amendment TC1400003 was a set of amendments to the Unified Development Ordinance (UDO) to update, clarify, and re-organize standards associated with the Design District zoning districts. Staff presented information about this text amendment ahead of the scheduled public hearing on August 14, 2017 during the Board of Commissioners' Regular Session.

Chair Jacobs stated her opposition to Section 5.3 as she felt that it was a waste of valuable property. Michael Stock, AICP, Senior Planner, stated that staff could look into it.

Commissioner Reckhow felt better about the updates at the current activity level, but not in terms of a long term plan. She mentioned that the streetscape of Foster Street was not good for a residential area and hoped that it would be improved—she advocated for urban rain gardens and felt they were a better alternative to grass strips or trees in wells.

Commissioner Reckhow suggested that the City look into adding bike parking stations at major public locations.

Commissioner Carter and Ms. Young discussed page seven (7) of Attachment A2: 16.2 Site Design.

Chair Jacobs echoed Commissioner Reckhow's concerns about encouraging green spaces. She wondered whether a Bike Share program could be implemented in Durham. Mr. Stock stated that the City had previously looked into it, but it required more research and discussion. Chair Jacobs inquired about the Design District Zoning Regulations being age-friendly. Mr. Stock clarified that none of the standards would prevent the design from being age-friendly.

Chair Jacobs asked staff to extend the Design District Zoning Regulations to Rigsbee Ave, one street farther than Foster Street, and submit this suggestion to City Council for consideration. She recommended that staff ask City Council to consider not allowing Self Storage in the Downtown Design District and to incorporate more LID (low Impact development) practice into the DD changes.

There was discussion related to the fact that the City would be adopting both the Urban Open Space Plan and updates to the Design District Zoning Regulations without County input. The Board requested to be given ample time to review future proposed plans or plan changes as well as have input into the final versions before they were submitted to the City Council for adoption.

Commissioner Reckhow reemphasized the need to increase the green spaces in Durham.

Mr. Stock stated that they would follow-up on all suggestions and return at a future meeting to hold the public hearing.

Directive:

- **Staff to extend the Design District Zoning Regulations to Rigsbee Ave, one street farther than Foster Street, and submit this suggestion to City Council for consideration.**
- **Staff to ask City Council to consider not allowing Self Storage in the Downtown Design District and to incorporate more LID (low Impact development) practice into the DD changes.**

- **Staff to provide the BOCC ample time to review future proposed plans or plan changes as well as allow input into the final versions before they are submitted to the City Council for adoption.**

17-0340 Contract Security Services

The Board was requested to receive the proposed Nighthawk Security contract for \$1,619,376.50 to provide uniformed contract security interior and exterior posts and patrols for thirty-six (36) Durham County facilities and parking lots.

After an RFP process, the proposed security contracts were evaluated by a panel to include seven (7) members representing six (6) user departments. The panel met with each of the three bidding companies to discuss their proposals. After the conclusion of the interviews, the panel scored each company based on six (6) critical areas - Site Supervisor selection, Overall bid cost, the pay/benefits offered to officers to ensure that a living wage was provided, the ability to back-fill officers as needed (depth), the management team, and the previous scoring from the bid reviews conducted on June 13th. Based on this criteria, the responsiveness of the vendors to staff's questions, and staff's perceptions of their embracing of Durham County values and commitment to customer service, Nighthawk Security was selected as the vendor of choice for this contract.

In review of the MWBE compliance for RFP 17-026 Durham County Security Services, Night Hawk Security and Consulting was a MWBE certified Black-American Firm and would be utilizing 100% MWBE participation on this project.

Motiryo Keambiroiro, Director of General Services, provided a brief history of security at Durham County. Users were solicited to make recommendations in August 2017. The Security Manager and a selection team interviewed all three vendors before choosing Nighthawk Security.

Ed Miller, Security Manager, went over how the transition from vendors would occur.

Vice Chair Hill asked about the policy regarding the use of force. Mr. Miller stated that it dittoed the state mandated policy.

Commissioner Reckhow wondered if staff had contacted organizations that were currently using the vendor. Mr. Miller confirmed that they had and they were all very happy with the service; some had used Nighthawk Security's service for years.

Ms. Keambiroiro requested that the Board to suspend the rules and to approve the RFP contract.

Commissioner Carter moved, seconded by Commissioner Reckhow, to suspend the rules.

The motion carried unanimously.

Commissioner Reckhow wanted to review the contract before voting to approve it. General Manager Claudia Hager specified that the Nighthawk Security contract was very much in line with the previous Old Dominion Security (ODS) contract. Mr. Miller added that the only difference was the number of work hours—the number was higher in the new contract.

Commissioner Carter inquired as to whether the Board had the authority to make revisions to nondiscrimination clauses. The panel did not know as it was a legal question.

Commissioner Reckhow moved, seconded by Commissioner Howerton, to approve the contract.

The motion carried unanimously.

17-0368 Ordinance to Allow the Sale of Alcoholic Beverages Before Noon on Sundays at Licensed Premises

The Board was requested to discuss NC General Statute 160A-205.3, enacted on June 30, 2017, which authorized local governments to adopt an ordinance allowing the sale and consumption of alcoholic beverages on licensed premises beginning at 10 a.m. on Sundays. Before enactment of this statute, state law prohibited the sale and consumption of such beverages prior to noon on Sundays. An amendment to County ordinance was required to allow local businesses, which were licensed to sell such beverages, to start selling two hours earlier on Sundays.

Commissioner Carter moved, seconded by Commissioner Reckhow, to suspend the rules.

The motion carried unanimously.

Commissioner Howerton moved, seconded by Commissioner Carter, to approve the ordinance.

The motion carried unanimously.

17-0370 BOCC Authority over the Local ABC Board

The Board was requested to discuss the Board's authority over the local ABC Board as governed by NCGS § 18B-700. The Alcoholic Beverage Control Board (ABC) was appointed by the County Commissioners as policy makers for ABC stores and ABC Law Enforcement. The ABC Board controlled the operation and management of the ABC stores and performed any other activities authorized or required by ABC Law.

Commissioner Reckhow requested that staff find out how much the ABC Board was paying to retain their attorney. She mentioned that New Hanover County's ABC Board contracted the County Attorney for \$2,000 per month. Durham's ABC Board could have a similar arrangement if it would be more affordable to contract the County Attorney.

It was found that the Board of County Commissioners did have the authority to choose the chairperson for the Alcoholic Beverage Control Board.

Commissioner Carter wondered whether the Board would receive information on the current ABC Board members, it would help the Commissioners decide who should be chair of the ABC Board. Chair Jacobs requested information on the current board members including the length of experience for each.

Directives:

- **Staff to find out how much the ABC Board was paying to retain their attorney.**
- **Staff to provide the Board with information on the current ABC Board members including the length of experience for each.**

17-0361 Commissioner Comments

The Board was requested to allow each Commissioner three minutes to report on conferences or

make comments regarding issues that may be of interest or concern to the Board.

Commissioner Howerton, NCACC President Elect, spoke on the NCACC Conference that would take place in Durham beginning on August 10th. She touched on how many people were expected, how much revenue was estimated to be generated, and the sessions that would be offered. She emphasized that staff played a large role in the ability to host the conference. Commissioner Howerton was excited that Durham would be broadcast and showcased to the state.

Commissioner Reckhow discussed the topics covered at the Transportation Steering Committee meeting. She asked the County Manager to provide a listing of all County-owned property to determine how much publicly owned real estate existed and how much it was worth. Chair Jacobs added that discussions needed to be had about how to leverage this for affordable housing.

Vice Chair Hill stated that National Night Out was a success and he really enjoyed it.

Commissioner Carter was looking forward to the NCACC Conference, but would have to miss the Saturday events and President's speech due to a prior commitment. She noted that at the Environmental Affairs Board meeting, Tobin Freid, Sustainability Manager, presented the City's Sustainability Report and she hoped that the County could be included if possible.

Directive:

- **County Manager to provide the Board with a listing of all County-owned property to determine how much publicly owned real estate existed and how much it was worth.**

Closed Session

The Board was requested to adjourn to Closed Session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial appointment 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 pursuant to G.S. § 143-318.11(a)(6).

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

The motion carried unanimously.

Reconvene from Closed Session

Chair Jacobs announced that the Board met in Closed Session and asked for a motion to seal the Closed Session minutes.

Commissioner Reckhow moved, seconded by Commissioner Carter, to seal the minutes of the Closed Session.

The motion carried unanimously.

Chair Jacobs announced that the Board's consensus was to leave the Sheriff's salary "as is" and that the Board planned to send Andrews a letter regarding their concerns with management of the Sheriff's Office.

Adjournment

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

The motion carried unanimously.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tania De Los Santos", with a long horizontal flourish extending to the right.

Tania De Los Santos
Administrative Assistant