

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

Monday, March 2, 2020

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.

James Chavis raised concerns regarding the inability of County employees to speak out against the decisions made by the Board for parking on the 300 and 500 Block of East Main Street without fear of being fired in retaliation.

Antonio Jones, with respect to the investigation into the claims made by the County Manager against Commissioner Carter, requested that Commissioner Carter not be involved in the process for determining which entity would conduct the investigation as it was a conflict of interest. He believed Commissioner Carter should not be involved in any part of the process. He recommended the Board read a book titled *White Fragility* by Robin DiAngelo.

Commissioner Carter stated she already read and owned a copy of the book.

Victoria Peterson spoke on what she felt were issues within Durham: people running for public office should be required to provide proof of naturalization and the Sheriff's Office should not allow undocumented immigrants to post bail and leave the Detention Center. She requested information regarding how much money was reserved in the County's fund balance. Ms. Peterson also requested information and the amount of funds given to the Research Triangle Foundation (RTF) of North Carolina by Durham County. She recalled the Board approved to provide funds to RTF for a project which she alleged included the building of housing in Research Triangle Park.

Chair Jacobs requested Ms. Peterson provide the Clerk with her email and phone number so staff could contact her regarding her questions and requests.

Directive: Claudia Hager to follow up with Victoria Peterson regarding her request for information and the dollar amount given to the Research Triangle Foundation (RTF) of North Carolina by Durham County.

E. L. Allison spoke on inequities in Durham and recommended the Board read the following books: “Stamp out Racism” (presumably referring to *Stamped from the Beginning* or *Stamped: Racism, Antiracism, and You* both by written Ibram X. Kendi), *Waking Up White* by Debby Irving, *The Color of Law* by Richard Rothstein, and *How to Be an Antiracist* by Ibram X. Kendi. She believed the entity chosen to conduct the investigation should research racism and when it was occurring rather than the County Manager’s grievance itself.

Karen Bethea-Shields echoed Dr. Allison’s points. She raised concerns regarding the Board and other elected bodies not doing all they could for public housing residents. She inquired about what the Board was doing to prevent a reoccurrence of the problems present at McDougald Terrace.

John Tarantino performed a cover of “Back in the U.S.S.R.” by the Beatles as a parody of the democratic primary.

Commissioner Howerton requested that the Board conduct their Closed Session during lunch rather than at the end of the meeting and inquired as to which discussion items were necessary to complete. The Board agreed to postpone the discussion for item 20-0061 Presentation of a Durham County Master Aging Plan until the Monday, March 9th Regular Session.

Consent Agenda

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

20-0088 Budget Ordinance Amendment No. 20BCC000048 to Recognize \$75,098.00 in Program Integrity Incentive funds for Increased Funding for Continuing Education Classes and Equipment for e-learning

Staff described how e-learning would occur and whether employees would have a set schedule for it.

20-0094 Capital Project Amendment No. 20CPA000025 Appropriating \$55,400 in Funding from Lincoln Community Health Center and the Execution of a Design Contract with Surface 678 for the Lincoln Community Health Center -Parking Lot Expansion

As a member of the Lincoln Community Health Center (LCHC) Board, Commissioner Reckhow encouraged staff to expedite this item as much as possible as the LCHC considered it time sensitive.

There were no comments made for the items below:

20-0048 Contract Approval with SafeTech Solutions for Emergency Services Consulting and Training

20-0069 Utilities Division Polymer Contract Amendment with Polydyne, Inc.

20-0074 Capital Project Amendment No. 20CPA000023 - Appropriating \$3,640 in Fund Balance from the Pay-As-You-Go Capital Project Fund for the Detention Center Jail Bed and HVAC Grille Replacement Capital Project DC090 and Execution of a Change Order for the Detention Center Jail Bed and HVAC Grille Replacement Project

20-0080 Contract Amendment to Dixie Electro Mechanical Services, Inc. On-Call Machinery and Repair Services Contract

20-0086 Approve the Final Budget for the Dry Creek Farm Conservation Easement and Approve Capital Project Amendment No.20CPA000024 Decreasing the Open Space & Farmland Preservation Capital Project (4730DC083) by \$66,824.80 and Budget Amendment No. 20BCC000047 transferring \$66,824.80 From the Pay-As-You-Go Capital Project Fund to the General Fund to Support the Purchase of the Dry Creek Farm Conservation Easement

20-0095 Capital Project Amendment No. 20CPA000026 to Amend the Main Library Renovation Project No. 6 110DC094 to Accept Funding from the Duke Energy Smart Saver Custom Incentive Program

Discussion Items

20-0083 300 and 500 Block East Main St. Redevelopment - Update on the Transportation Demand Management and Staff Parking Assessment

The Board received an update from the project team on the Transportation Demand Management (TDM) and staff parking assessment associated with the 300 and 500 Block East Main Street Redevelopment project(s). The project's design team met with GoTriangle, City of Durham and County departments pursuant to this effort.

Tom Devlin, City of Durham Transportation Planner II, and Joel Dabrowski, Senior Design Architect, discussed potential strategies to mitigate parking counts and parking reduction opportunities. Nancy Mitchell, Senior Real Estate Officer, discussed the off-site options for displacement parking.

The Board believed local government should be the first to embrace new philosophies and lead in addressing transportation issues.

At the Chair's request, Peri Manns, Deputy Director of Engineering and Environmental Services, stated that a single parking space in a parking deck cost around \$25,000 to build.

Discussion was held regarding possible impact to low-income residents, diversity, work from home and flex hour options for County staff, bus service to Treyburn and the northern Durham Technical Community College campus as well as investing in local and regional bus service.

Mr. Manns informed the Board that staff was working to provide them with the number of needed parking spaces in the 300 Block parking deck.

Commissioner Reckhow believed some parking charge would be needed to move the needle.

Directive: Staff to research and provide the Board with creative options to implement parking fees that did not hurt low-income County employees.

20-0061 Presentation of a Durham County Master Aging Plan

The Board opted to move this discussion item to the Monday, March 9th Regular Session.

20-0089 Presentation on the Teer Quarry Project and Eno River Intake

Teer Quarry, owned by the City of Durham, was critical for meeting the City’s emergency water supply needs. A new water supply intake, located on the Eno River, was necessary to use Teer Quarry as a water supply source. The location of the new water intake required changes to the Eno-A (E-A) and Eno-B (E-B) watershed protection zoning overlay districts, which Planning staff would initiate later in the year.

Sydney Miller, Water Resources Planning Manager, provided the Board with a presentation regarding the Teer Quarry project and Eno River intake.

Scott Whiteman, Planning Manager, confirmed the resolution for this item did not require a public hearing. Amending the districts and the changing the boundaries would require a public hearing. Mr. Whiteman stated the resolution would be added to the Board’s Monday, March 23rd Regular Session consent agenda.

20-0091 Durham County Utilities Development Review Fee Schedule Update

Vincent Chirichella, Senior Project Manager, presented the Board with revisions to the Durham County Utilities Fee Schedule. Since the Utilities Division operated as an enterprise fund, all operational and project funding was paid for by rate payers rather than through taxation. Mr. Chirichella stated that the Development Review Fees had not been adjusted since 2008 and were at levels that no longer covered operational costs to perform development review. Not only had the number of annual review submittals tripled due to population growth, staff was also attempting to provide expedited services and clarity in the review process and timeline to address concerns raised by developers from the community. Additional staff and new technology were identified as potential solutions, but this was not fiscally feasible with the current Development Review Fees.

Mr. Chirichella answered a few questions the Board raised regarding why the rates were not updated before, who the rates applied to, and how the proposed fees compared to peer counties’ fees.

Stephanie Brixey, POTW Director, confirmed this item would be added to the Board’s Monday, March 9th Regular Session consent agenda.

20-0092 Update on the Durham County Memorial Stadium Operations

Zachary Pritchard, Stadium Manager, and Motiryo Keambiroiro, General Services Director, presented the Board with an update regarding the operations of the Durham County Memorial Stadium. This update addressed the current stadium environment and provided an update on policy creation. The Stadium Manager and the Stadium Authority continued to pursue new policies to assist in modernizing stadium processes and creating a more dynamic events facility.

Discussion was held on increasing the use of the Stadium by members of the Durham community and the return on investment. Pam Karriker, Chair of the Stadium Authority, stated that the County was not seeing a return on investment yet, but she believed they were on the cusp

of it due to recent changes (e.g. creation of the Sports Commission and their data tracking capabilities).

Staff was encouraged to consider ways to receive input from the community regarding Stadium use.

The Board discussed policies related to long-term contracts (in lieu of requiring contractors to renew every year), ad revenue opportunities, and partnerships with local businesses.

20-0085 BOCC Directives Follow-Up

Directives from previous meetings and staff follow-up were reviewed by the Board.

Drew Cummings, Chief of Staff, provided the Board with a status update regarding the December Work Session directives.

Commissioner Howerton raised concerns regarding the lack of notification she received when the Closed Session for this meeting was called and for the Board conducting Closed Session without legal counsel present. Commissioner Reckhow echoed her concerns and believed the County Attorney should be included in the Closed Session.

Chair Jacobs addressed her concerns and stated she consulted with attorney's at the School of Government at University of North Carolina at Chapel Hill.

Commissioner Howerton advocated for transparency.

Closed Session

20-0096 Closed Session

The Board was requested to adjourn into Closed Session to:

1. Establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract pursuant to G.S.143 -318.11(a)(5); and
2. 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, pursuant to G.S. 143-318.11(a)(6).

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

The motion carried unanimously.

Dr. Allison, fourth speaker during citizen comments, raised concerns regarding the Board going into Closed Session to discuss the County Manager's claims. She stated the process should be transparent and available to the public to ensure accountability and propriety. She advocated for the Board's decisions to be made public as soon as possible.

Commissioner Howerton departed the meeting at 1:55 p.m.

Reconvene from Closed Session

Chair Jacobs announced that direction was given to the County Attorney to schedule interviews with candidates for outside council who would lead a broad investigation.

Adjournment

Commissioner Carter moved, seconded by Commissioner Reckhow, to adjourn the meeting.

The motion carried unanimously.

The meeting adjourned at 2:03 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tania De Los Santos", is written over a light gray rectangular background.

Tania De Los Santos
Administrative Assistant