

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

Monday, September 22, 2014

County Commissioners' Chambers  
200 East Main Street, Durham, North Carolina

**AGENDA**

**"Public Charge"**

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

**7:00 pm Regular Session**

1. **Opening of Regular Session - Pledge of Allegiance (5 min)**
2. **Agenda Adjustments (5 min)**
3. **Announcements (5 min)**
  - 1) The FY2014-2015 Matching Grant Program of the Durham Open Space and Trails Commission application process will be from September 1 until November 14, 2014. The grants are to assist nonprofit organizations in preserving open space lands and promoting new or improved recreational opportunities for citizens. All Durham community nonprofits interested in applying for FY2014-15 Matching Grant funds must submit an application by the November 14, 2014 deadline. The Matching Grant Program application and FY 2014-15 Program Guidelines are available on the County's website. For additional information, please contact the Matching Grants Administrator, Bo Gattis, in the Budget and Management Services department at 560-0012.
  - 2) The Durham County Department of Social Services is hosting the 4<sup>th</sup> Annual Grandparents and Caretakers Conference on September 11, 2014 at the Human Services Building, 414 E. Main Street from 8:00 am to 2:30 pm. Registration is free however pre-registration is requested. To register, contact Diane Fening by telephone (919)560-8398, fax (919)560-8682 or email [dfening@dconc.gov](mailto:dfening@dconc.gov) by September 3, 2014.

- 3) "In Touch with Durham County," the Durham County Television show, airs daily on Durham Television Network (DTN) Channel 8 or 97-5 at 10 a.m., 3:30 p.m. and 6:30 p.m. Our County Commissioners' meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
- 4) Durham County needs you! If you have a few hours to commit, Durham County has a number of boards and commissions that can benefit from your participation. We invite you to make a difference in our community. Contact the Clerk's Office at 919-560-0025, visit the County's website, or email [Clerk@dconc.gov](mailto:Clerk@dconc.gov) for more information. Please note that all City and County taxes must be current at the time of application.
- 5) "Living Healthy," the Durham Diabetes Coalition Television show, airs daily on Cable TV Channel 8 or 97-5 at 7 p.m. Each episode features Durham County resources and residents successfully living with diabetes. This is also an initiative that supports Durham County's strategic goal Health and Well-being for All.
- 6) As Chair of the Board of County Commissioners, I will hold office hours for citizens each Wednesday from 2:00 pm to 5:00 pm. Appointments can be made by calling me at (919) 949-4022.

**4. Minutes (5 min)**

- a) September 2, 2014 Worksession
- b) September 8, 2014 Regular Session

**5. Proclamation Honoring Dr. Elmira Mangum on Her Upcoming Inauguration as President of Florida A&M University (FAMU) (5 min)**

- 1) Florida A&M University, based in Tallahassee Florida, has selected Dr. Elmira Mangum as its 11<sup>th</sup> President following a nationwide search. This Durham native, who has distinguished herself during more than 28 years in executive higher education will be officially installed during ceremonies planned for September 28<sup>th</sup> through October 4<sup>th</sup> at the University. The Board of County Commissioners has been requested to approve the attached proclamation and forward to Florida A&M University to become part of the official record marking this exciting event.
- 2) Alignment with Strategic Plan: This proclamation aligns with Strategic Goal 5: Accountable, Efficient and Visionary Government.

**Resource Persons:** Chairman Michael D. Page

**County Manager's Recommendation:** The County Manager recommends that the Board of County Commissioners approve the proclamation honoring Dr. Elmira Mangum, new President of Florida A&M University, and forward to her for inclusion in the official inaugural proceedings.

**6. Resolution Recognizing Congressman John Lewis, Durham Reads Together 2014 Author**

- 1) The Board is requested to support a resolution recognizing Congressman John Lewis as the honored guest of Durham County, and author of *March: Book One*, the Durham Reads Together 2014 selection.
- 2) Congressman John Lewis is an American icon and a key figure in the Civil Rights Movement. Lewis was inspired by the activism surrounding the Montgomery Bus Boycott and the words of the Rev. Martin Luther King Jr. As a young man, Lewis organized sit-in demonstrations at segregated lunch counters in Nashville, Tennessee, and participated in the Freedom Rides, which challenged segregation at interstate bus terminals across the South. He helped form and was named Chairman of the Student Nonviolent Coordinating Committee (SNCC), which was largely responsible for organizing student activism in the Movement, including sit-ins and other activities. Lewis was an architect of and a keynote speaker at the historic March on Washington in August 1963. He was elected to Congress in November 1986 and has served as U.S. Representative of Georgia's Fifth Congressional District since then. Lewis is the co-author of the #1 *New York Times* bestselling graphic novel memoir trilogy *MARCH*, an important documentation of his life-long struggle for civil and human rights. *March* has been selected for Durham Reads Together 2014.
- 3) For his commitment to justice and nonviolence, and for *March: Book One* being the Durham Reads Together 2014 selection, we request that the Board of County Commissioners support a resolution saluting Congressman John Lewis.
- 4) Alignment with Strategic Plan: This request aligns with the Strategic Plan Goal 1. Goal 1 seeks to provide opportunities and support for educational, cultural and creative opportunities. Congressman Lewis' book is an important selection and one that will enhance community dialog.

**Resource Persons:** Tammy Baggett, Director of Libraries; Gina Rozier, Marketing and Development Manager; Joanne Abel, Humanities and Adult Programming Coordinator

**County Manager's Recommendation:** The County Manager recommends that the Board support a resolution recognizing Congressman John Lewis as the honored guest of Durham County, and author of *March: Book One*, the Durham Reads Together 2014 selection.

**7. Proclamation to Recognize Minority Enterprise Development Week October 6 – October 10, 2014 (5 min)**

- 1) On January 14, 2008, The Board of County Commissioners approved an ordinance to continue the County's Minority/Women Business Enterprise Program. As a part of the program promotion and continued efforts to enhance participation in governmental contract awards to minority and women businesses, it is hereby requested that October 6 through October 10, 2014, be recognized as Minority Enterprise Development Week in the County of Durham, North Carolina.
- 2) Local and National Minority Enterprise Development programs provide assistance to minority and women groups who own or wish to start or expand their own businesses.
- 3) Alignment with Strategic Plan: To align with *Goal 1 Community and Family Prosperity and Enrichment* by increasing minority and women business participation. Create

awareness and engagement by allowing minority and women businesses to learn about contracting opportunities, and events of the Durham County Minority and Women Business Enterprise (M/WBE) program.

**Resource Person(s)**: Pamela Gales, CLGPO, CCA, Assistant Purchasing Manager

**County Manager's Recommendation**: The Manager recommends that the Board approve the Resolution and recognize October 6 through October 10, 2014 as Minority Enterprise Development Week in Durham County.

**8. Consent Agenda (15 min)**

- a. Accept the property tax release and refund report for August 2014 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- b. Approve Capital Project Amendment No. 15CPA000004 to officially close 4 completed projects allowing them to become final assets and begin depreciation. The County Manager also recommends that the Board approve Budget Ordinance Amendment No. 15BCC000010 transferring the estimated \$6.339 million of unspent project funds to the Sewer Utility Fund with the restricted portion of these funds (\$2.113 million) to be used to support debt service payments related to the projects for fiscal year 2015;
- c. Approve the 9-1-1 Emergency Communications Inter-local Cooperation Agreement between the City of Durham and the County of Durham that provides for the coordination of emergency dispatch operations and the efficient delivery of emergency services to the citizens of the City and County;
- d. Approve the contract extension with Contract Enterprises of NC to provide reviews of specialized properties in Research Triangle Park and Downtown Durham and include analysis on industrial and commercial properties in connection with activities for the 2016 General Reappraisal;
- e. Approve Budget Ordinance Amendment No. 15BCC000011 for FY2015 amending the budgets for the outstanding encumbrances at fiscal year-end 2014;
- f. Approve the contract amendment with Womble Carlyle Sandridge & Rice, LLP in an amount not to exceed \$80,000 and authorize the County Manager to execute the contract;
- g. Approve the funding of Planned Parenthood Health Systems after their merger with Planned Parenthood of Central North Carolina on January 1, 2015;
- h. Appoint Vice Chair Howerton to the Durham Technical Community College Board of Directors.

**9. Comments on Proposed Rules for Hydraulic Fracturing in North Carolina**

- 1) The Board is requested to review comments from staff and the Environmental Affairs Board on proposed rules for hydraulic fracturing (fracking) and direct staff to submit

comments contained in Attachment 3 to the NC Department of Environment and Natural Resources (DENR) on behalf of the County.

- 2) Governor McCrory signed a bill in July to end the State's moratorium on fracking, opening the way for companies to begin the permit process in July 2015. The NC Mining and Energy Commission developed draft regulations (Attachment 1) and released them for public comment, with comments due by the end of September 2014. The Environmental Affairs Board (EAB) reviewed the draft regulations and submitted their comments to the City Council and County Commissioners (Attachment 2). County staff from Stormwater and Erosion Control, Sustainability Office, Soil and Water Conservation District, Public Health, and Emergency Management reviewed the regulations along with the EAB comments and are submitting them to the BOCC for their consideration (Attachment 3).
- 3) Staff and the EAB have concerns about the regulations in regards to protecting water quality, reducing methane emissions, safeguarding health and well-being of our residents, and the ability for local governments to receive notification of and respond to fracking operations in our jurisdictions, particularly in the case of emergencies or contamination. Detailed comments are in the attached memo and draft of the regulations.
- 4) Alignment with Strategic Plan: This aligns with Goal 4 (Environmental Stewardship - reducing greenhouse gas emissions and protecting water quality) and Goal 2 (Health and Well-being for All).

**Resource Persons:** Tobin L. Freid, Sustainability Manager; Chris Roberts, Stormwater and Erosion Control Division Manager; Gudrun Parmer, Interim Engineering and Environmental Services Department Director

**County Manager's Recommendation:** The County Manager recommends that the Board review the comments and direct staff to submit comments contained in Attachment 3 to DENR.

## **10. Board and Commission Appointments (10 min)**

- 1) Michelle Parker-Evans, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards:
  - a) Adult Care Home Community Advisory Committee
  - b) Audit Oversight Committee
  - c) Community Child Protection Team/Child Fatality Prevention Team
  - d) Juvenile Crime Prevention Council
  - e) Library Board of Trustees
  - f) Workforce Development Board
- 2) Alignment with Strategic Plan: When citizens are engaged and partners on our boards and commissions, the vision of our Strategic Plan is achieved - a thriving, vibrant, diverse community with abundant opportunity for all residents to live, work, learn, play and grow.

**Resource Persons:** V. Michelle Parker-Evans, Clerk to the Board

**County Manager's Recommendation:** The County Manager recommends that the Board of County Commissioners vote to appoint a member to the above-mentioned boards and commissions.

**11. ITEMS PULLED FROM CONSENT AGENDA (20 min)**