

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

Tuesday, September 2, 2014

12:00 P.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.

The Chair noted that no one signed up to speak.

Removal of a Board Member Due to Poor Attendance

Chairman Page stated that Mr. Chris Kimaru, member of the Durham City-County Appearance Committee was not able to perform his duties as a member. Chairman Page asked that the rules be suspended and the Board take action to officially remove Mr. Kimaru from the Committee.

Commissioner Reckhow moved, seconded by Vice Chair Howerton, to suspend the rules for purpose of removal of a board member due to poor attendance.

The motion carried unanimously.

Vice Chair Howerton moved, seconded by Commissioner Reckhow that the Board remove Chris Kimaru from the Durham City-County Appearance Committee due to poor attendance.

The motion carried unanimously.

Discussion of Statewide Ideas for NCACC 2015 Legislative Goals Process

Deborah Craig-Ray, Assistant County Manager for Communications, reminded the Board of the upcoming Legislative process. She informed the Board that items of statewide Legislative

interest were to be submitted by September 19, 2014. Ms. Craig-Ray stated that all items would be voted on at the Legislative Goals Conference in Moore County on January 15-16, 2015. She asked all department heads to submit Legislative ideas that would have statewide implications. Ms. Craig-Ray discussed the three items received and their recommended changes.

Goal Title: Increase the penalty for firearm related offenses

Commissioner Foster inquired about the difference between a Class H and Class E felony. Curtis Massey, Sheriff's Attorney, stated a Class H felony was the current classification of firearms which gave four to eight months and included probation, community service or active time. He added that Class E would not include community service; it included probation and active sentences between 15 and 31 months. Commissioner Foster asked if it had anything to do with the age of the offender. Attorney Massey responded that a minor being adjudicated through the juvenile system would be separate. He added if the under-age offender was being charged as an adult, it would be the same as an adult charge.

Commissioner Reckhow stated that she supported the recommended changes and felt illegal firearms were a real issue. She stated with an increased penalty, it would be more of a deterrent to steal firearms.

Commissioner Jacobs also supported the recommended changes and stated illegal firearms were a nationwide problem. She mentioned that the support of the District Attorney's (DA) office would be needed and asked if any discussion had taken place with them. Attorney Massey stated that no discussion had taken place with the judges or the DA's office on the specific initiative. He added that a discussion would take place with the DA's office because the Sheriff's office planned to take the same initiative to their Sheriff's Association for their Legislative Agenda.

Vice Chair Howerton asked how the cost would impact the jail? Attorney Massey responded he was unsure of the cost.

Commissioner Reckhow inquired about the penalty for selling or purchasing an illegal firearm. Attorney Massey responded G.S. 14-72 discussed receiving or purchasing a stolen good.

Commissioner Foster stated it was important to send a message to not only the purchaser, but to the dealer of illegal firearms as well. Attorney Massey stated G.S. 14-72 included the transactional aspect. He stated sellers would also go from a Class H to a Class E felony.

Commissioner Reckhow suggested amending the description to make it broader.

Commissioner Foster inquired about the current penalty for G.S. 15A-1340.16A. Attorney Massey responded there was an enhancement under the statute and it was tied into the class of an affiliated felon. He stated it was a sentencing statute and would likely be a minimum of 72 months.

Goal Title: Shorten the hold time for selling unclaimed livestock

Attorney Massey explained the hold process for animals of known and unknown owners. Mr. Massey stated the problem was the feed bill and housing of the animals. He added a reduction in the hold and sell period to 3-10 days would significantly reduce the cost.

Commissioner Jacobs mentioned there was a significant cost to Durham County for the care of the animals.

Commissioner Foster asked if the County recovered funds from the owners of the animals. Attorney Massey responded many owners did not come forward.

Commissioner Reckhow asked how many other Sheriff's offices across the State offered animal control support. Attorney Massey stated he was unsure, but they did plan to speak with the Sheriff's Association regarding that question.

Commissioner Jacobs asked if the County could put together a number of incurred expenses such as average amount spent per day. Attorney Massey stated the County has had people to foster the animals which reduced the boarding cost. He added that the greatest costs resulted from veterinary and feed expenses.

Goal Title: Require state Medicaid program to use federal rules for determination of medical necessity

Commissioner Foster asked if the goal title mentioned required patient Medicaid to be expanded into the State of North Carolina. Lee Worsley, Deputy County Manager stated that EMS was asking the General Assembly to direct the Department of Health and Human Services to implement the Federal rule.

Vice Chair Howerton inquired about what the Federal rule stated. Mr. Worsley responded the Federal rule stated medical necessity for a Medicaid trip would be determined at the time of dispatch. He added the State rule mentioned medical necessity for a Medicaid trip would not be determined at dispatch; it would be determined at patient contact. Mr. Worsley stated that was to enhance revenue for Emergency Medical Services (EMS) through Medicaid.

Commissioner Jacobs asked if there would be a penalty for states not implementing the Federal rule. Mr. Worsley responded that he was not aware of any penalties. Commissioner Jacobs questioned how the Federal rule could be implemented if there was no penalty involved. Mr. Worsley stated hopefully the rule would be implemented once goals were set. Commissioner Jacobs asked if there was any information about the statewide cost. Mr. Worsley stated he would check for that information.

Presentation of the Bionomic Educational Training Center (BETC) developed at Southern High School

Eddie Culberson, Director of Soil and Water Conservation, and Mike Dupree, Ag Development and Watershed Conservationist shared a presentation on "*BETC at Southern High School*" which highlighted the following: Agribusiness Project, Irrigation Installation, Plant Propagation, Rain Garden Design and Survey Training, Rain Garden Installation, Off Grid Solar System, Solar

Technology and Job Opportunities, Winning the 2014 Urban Conservationist Award, Irrigation System Technology Upgrade, and the Environmental Enhance Grant (EEG).

Mr. Dupree invited the Board to experience the program firsthand at the Farmland Tour scheduled for October 3, 2014.

Vice Chair Howerton asked if the money earned went back into the program or if the students kept those earnings as payment. Mr. Dupree responded the money went back into the program. He stated teachers wrote a letter to Mayor William “Bill” Bell asking the City to expand the program to offer summer work for students. Mr. Dupree stated the program plan requested 15 hours per week with a payment of \$12.00 per hour and a request for teachers to receive a stipend. Mr. Dupree added the proposal was to create a “Green Tour” where the students would plant and maintain trees on school grounds while also learning about personal development and financial management. Vice Chair Howerton asked why the proposal was not sent to the County Manager for review. Mr. Dupree stated the program would like to have the County’s support. Vice Chair Howerton requested Mr. Dupree forward the proposal to the County Manager’s Office.

Commissioner Reckhow asked if the BETC program was presented to the Durham Public School Board. Mr. Dupree responded that the BETC program was not presented to the School Board; however, it was presented at the State and National level. Commissioner Reckhow suggested the BETC program be shared as a model for other schools. She also asked if there was a way to incorporate the BETC program into an entrepreneurial or business class. Mr. Dupree stated that Southern High School had four departments and each department provided assistance to the program. Commissioner Reckhow suggested cross-training so students could be exposed to all areas of the business. She also stated the BETC program could benefit from what the Ellerbe Creek Watershed Association had to offer. Mr. Dupree stated the BETC program received an \$83,000.00 Environmental Protection Agency (EPA) grant from the Community Conservation Assistance Program (CCAP) and they worked closely with Ellerbe Creek on site selection.

Commissioner Foster proposed possible internships for students. He also stated that the program would be a good resource for disconnected youth. Commissioner Foster suggested a discussion take place with the School Board, Superintendent, Durham Chamber, and the Holton Resource Center to get disconnected youth involved.

Commissioner Jacobs commented that she heard about the BETC program at the Farmland Board meeting and requested Mr. Dupree and Mr. Culberson share the information with the Board. Commissioner Jacobs asked the amount of the EEG. Mr. Culberson stated the EEG was for \$325,000.00. Commissioner Jacobs suggested the County allocate 15 of the 50 summer internship positions to the BETC program for summer work.

Facility Use Plan

Motiryo Keambiroiro, Director of General Services shared an updated presentation on the *Facility Use Policy* which discussed the following: Purpose, Process of Policy Development, Policy Highlights, Liability Concerns, Other Policy Considerations, Priority Users,

Recommended Facility Use Operational Schedules, Proposed Fee Schedule, Cost Examples, and the Proposal for Departmental and County Supported Not for Profits after Hour Facility Use.

Commissioner Reckhow questioned the use of political signs in the Board of County Commissioners' Chambers for conventions. Ms. Keambiroiro responded signs could be brought in the building; however, they could not be posted on the building or in the hall.

Chairman Page asked for an example of a non-affiliate group. Ms. Keambiroiro responded a Boy or Girl Scout group was considered a non-affiliate group. Chairman Page mentioned his concern with the separation of the priority of users. He stated when the building was built, the public was told there would be space available for them to meet. Chairman Page stated he felt the organizations listed in priority three and four should rise to a higher priority group.

Lowell Siler, County Attorney commented in comparison to other counties, Durham County was very liberal with allowing the public to use the facilities. He suggested that a system should be put into place to help establish who had rights to the facilities.

Ms. Keambiroiro stated General Services was working with Information Services and Technology to create a reservation system for tracking purposes.

Vice Chair Howerton asked why the organizations in priority two were before priority three and four if they had their own meeting space. Ms. Keambiroiro responded that those listed in priority two were partners with Durham County. Vice Chair Howerton asked if the priority listing generated revenue. Ms. Keambiroiro concurred, adding they would be charged for janitorial services and facility usage.

Attorney Siler provided follow-up to Vice Chair Howerton's question by stating the County charged fees associated with the cost of operations (janitorial, utilities, security, etc.) He stated the County would not make a profit; instead the County would charge enough money to cover the cost associated with the use of the facility during that period of time.

Commissioner Reckhow stated in terms of priority, outside organizations could only apply 90 days in advance for use. Ms. Keambiroiro concurred. Commissioner Reckhow asked if the 90 day term applied to the Board. Ms. Keambiroiro stated the term did not apply to the Board. Commissioner Reckhow asked if the priority came into place if a request was made for the same time and date. Ms. Keambiroiro concurred, adding an alternative would be offered to the requestor.

Chairman Page stated there should be some exception when trying to facilitate a large event. Commissioner Reckhow suggested the registration policy be changed from 90 days in advance to 120 days in advance. Ms. Keambiroiro responded if the Board made the recommendation, the change could be made.

Ms. Keambiroiro asked the Board to establish a \$65,000.00 fund for department and not for profit use to cover security costs, unscheduled operational costs, and maintenance/janitorial costs. Commissioner Reckhow asked if the County Manager reviewed the proposal, and if so,

where would he recommend the funds come from. County Manager Davis stated the money would come from the internal services fund. Commissioner Reckhow deferred the fund request portion of the proposal to the County Manager and County Attorney for budgetary issues.

Commissioner Jacobs asked if there was a way to determine a number that would reflect the usage of the Courthouse, Human Services Building and Criminal Justice Resource Center on the weekend. She stated it was important for the Board to understand that as a policy, the County would be subsidizing the cost.

Commissioner Reckhow asked why the conference rooms at the Human Services Building were not available to the public during the day. Ms. Keambiroiro responded parking was an issue and the County use of the conference rooms was scheduled during the work day. Ms. Keambiroiro stated the policy was only for public after-hours use only. Commissioner Reckhow suggested the Human Services Building after hour time move from 7:00pm to 5:00pm.

County Manager Davis asked for the *Facility Use Plan* to be placed on the consent agenda for September 8, 2014.

Commissioner Reckhow questioned Policy 6.3.1 which read *"If County equipment is available for use, qualified County staff must be present to operate the equipment. There may be a fee for use of the equipment and staff to operate the equipment."* She asked if the policy applied to those that only needed the projection screen. Ms. Keambiroiro responded if the Human Services Building was being used, there would be a fee because the electronic system would be used. She added if the applicant provided their own equipment, there would not be a charge.

Commissioner Jacobs asked for clarification on page 11 with regard to the different rates of the security officers. Ms. Keambiroiro stated a Special Police Officer (SPO) had arrest powers and an armed Custom Protection Officer (CPO) did not.

Demonstrate New Technology Portal to Track Citizens' or BOCC Requests and/or Questions

Wendell Davis, County Manager shared the purpose of the New Portal Tracking System for Citizens' and BOCC requests. The new portal would create a shared knowledge base, increase efficiency, and provide tracking of requests. He introduced Steve Barden, Manager Information Services and Technology and Michael Mazarick, Senior Application System Analyst to begin the demonstration.

Mr. Barden stated the purpose of the tracking system was to provide the Board with information requested in a single system. He added the new system captured the request by email and the Board would be able to ask questions and receive a response. He stated it would also have date control for reporting purposes.

Mr. Mazarick provided the Board with a demonstration of the tracking system.

Commissioner Reckhow asked if a request was made and someone wanted to review the status, if there would be an easier way to view it. Mr. Mazarick stated it was sorted by date as a default to make it easier to view. Commissioner Reckhow stated if the system worked well, she would like it to be used for citizen requests. Manager Davis responded that the demo was phase one of the portal. He stated Marqueta Welton, Deputy County Manager and Drew Cummings, Assistant County Manager for Special Projects were working on the next reporting document.

Commissioner Jacobs asked for clarification on the process. Manager Davis stated inquiries could be made online through the system and as updates occurred, the Board would be able to view the status online. Commissioner Jacobs stated her process was to email the department manager with a question. She asked what would be the reason to use the new system over her process. Manager Davis responded it would help management measure the workload and give management the ability to have all the data in one place. Commissioner Jacobs asked without the request being filtered through the manager, how could the request be counter balanced. County Manager Davis stated he hoped the new system would help eliminate duplicate questions and provide better efficiency for staff and the Board.

Commissioner Jacobs asked if an icon could be added to their iPad. Mr. Mazarick concurred adding a link could be created.

Review of BOCC Directives

Ms. Dionne Hines, County Intern presented the Board Directives for the months of June, July, and August of 2014.

Commissioner Jacobs provided an update to the Rosenwald School directive. She stated the Rosenwald School was directed to Rick Sheldahl, head of Vocational Education at Durham Public Schools and the program was able to assist the Rosenwald School with building the handicap ramp. She asked that Ms. Hines change the status to “completed.”

Commissioner Foster asked for clarification on the directives from Ms. Victoria Peterson. Ms. Hines stated Ms. Petersons’ request had been addressed. She stated the directive showed a larger request from Commissioner Foster that staff was in the process of completing. Commissioner Foster asked when the findings would be reported. County Manager Davis stated the Sheriff’s department provided a written correspondent that would be forwarded to Commissioner Foster.

Respectfully Submitted,

Monica W. Toomer
Senior Administrative Assistant