



Durham County

200 E. Main Street
Durham, NC 27701
(919) 560-0025

Meeting Minutes Board of County Commissioners

Michael D. Page, Chair
Brenda A. Howerton, Vice Chair
Fred Foster, Jr., Commissioner
Wendy Jacobs, Commissioner
Ellen W. Reckhow, Commissioner

Monday, October 12, 2015

7:00 PM

Commissioners' Chambers

7:00 pm Regular Session

Opening of Regular Session - Pledge of Allegiance

Agenda Adjustments:

Chairman Page announced that there were no agenda adjustments.

Announcements:

Chairman Page read the following announcements:

- 1) Join us for a presentation of the My Brother's Keeper Durham Policy Recommendation and Draft Action Plan. Share your thoughts or get involved on Saturday, November 14, 2015, 8:30 am – 12:00 noon, 414 E Main Street at the Human Services Building. RSVP required by November 2 to mybrotherskeeper@dconc.gov.
- 2) Property owners in an area impacted by a proposed amendment to the Durham Comprehensive Plan are receiving notices about two upcoming public information meetings designed to receive feedback on proposed changes to the Future Land Use Map.

Residents impacted live in areas nearby planned light rail stations known as Compact Neighborhoods. The meetings will be conducted with a formal presentation at the beginning followed by resident feedback and questions. The first meeting will be held at 6:30 p.m. on Tuesday, October 20, 2015 in the Githens Middle School Cafeteria, located at 4800 Old Chapel Hill Road. The October 20th meeting will focus on proposed Future Land Use Map amendments nearby: * Leigh Village (NC 54/Interstate 40), * Patterson Place (US 15-501/Interstate 40), and* South Square/MLK Jr. (US 15-501 Bypass/Business).

The second meeting will take place at 6:30 p.m. on Tuesday, October 27, 2015 in the Durham County Commissioners' Chambers, Old Courthouse, located on the second floor at 200 East Main Street. The

October 27th meeting will focus on proposed Future Land Use Map amendments nearby * Erwin Road (Duke/VA Medical Center) and * Alston Avenue (NC 55 and Pettigrew St).

- 3) Trees Across Durham is offering free workshops and tree-banding materials to help prevent cankerworm damage. Workshops planned in the coming weeks will teach residents how to properly band their own trees, and volunteer days are set to target several neighborhoods for tree band installations. Residents are encouraged to <<http://goo.gl/forms/IyBIG7lgFm>> to register for the workshops and volunteer for banding days as well as receive updates on locations or rescheduling.
- 4) These announcements along with our regular announcements may also be found on the County's website or you may call the Clerk's Office at 919-560-0025.
- 5) Commissioner Jacobs announced that there was a new program called the Health Equipment Loan Program (HELP) which was a part of Project Access. She stated the program was to loan free medical equipment to people in need. Commissioner Jacobs mentioned donations would be accepted at the Scrap Exchange located on 2050 Chapel Hill Road on November 14, 2015 from 10am-3pm. Chairman Page asked Commissioner Jacobs to provide a copy of the announcement to the Michelle Parker-Evans, Clerk to the Board.
- 6) Vice Chair Howerton announced that Step-up Ministries was an organization that helped citizens who were having difficulty finding employment. She stated the open house was on Monday, October 12, 2015 and stated that Kevin Dick, Workforce Development, was one of the many individuals who worked with this organization.

Minutes:

Vice Chair Howerton moved, seconded by Commissioner Jacobs to approve the September 8, 2015 Worksession minutes.

The motion carried unanimously.

Commissioner Reckhow asked Michelle Parker-Evans, Clerk to the Board, to follow-up on the directive where she requested from Ann Oshel, Alliance Behavioral Healthcare, for baseline data to be compared to results.

Ceremonial Items:

15-699 Signing Ceremony for Park Center Phase I Public-Private Projects Agreement

Chairman Page stated that history was being made in Durham County as the Board was requested to formally execute the Public-Private Projects Agreement between Durham County Government and Research Triangle Foundation (RTF) of North Carolina. He added the County would invest \$20 million dollars over a ten-year period in partnership with RTF for infrastructure needed for Phase I of the new Master Plan mixed-use community for Research Triangle Park.

Chairman Page stated the Board was requested to participate in a signing ceremony to formally execute the Public-Private Projects Agreement between Durham County Government and RTF of North Carolina.

15-693 Proclamation - Durham County Long-Term Care Residents' Rights Month

Chairman Page read the following proclamation:

LONG-TERM CARE RESIDENTS' RIGHTS MONTH | 2015

WHEREAS, Durham County joins the nation in recognizing October 2015 as Long-Term Care Residents' Rights Month; and

WHEREAS, the Federal Nursing Home Reform Act of 1987 guarantees residents their individual rights in order to promote and maintain their dignity, autonomy, and individuality; and

WHEREAS, the Long-Term Care Ombudsman Program and Community Advisory Committees were created to ensure residents in facilities are afforded the same consideration and opportunities to exercise their basic freedoms; and

WHEREAS, all residents should be aware of their rights and have a quality of care that ensures choice, accountability, rights, and empowerment; and

WHEREAS, Durham County reaffirms the rights of long-term care residents including participation in decisions about their care and their right to vote and be politically active; and

WHEREAS, Durham County has approximately 1,170 individuals living in 11 nursing homes, and approximately 994 individuals living in 13 adult care facilities and 34 family care facilities; and

WHEREAS, individuals, groups and long-term care facilities across the country will be celebrating Residents' Rights Month with the theme CARE (Choice, Accountability, Rights, Empowerment) Matters to emphasize the importance of affirming these rights through facility practices, public policy, and resident centered care:

NOW, THEREFORE, I, Michael D. Page, Chairman of the Durham County Board of County Commissioners on behalf of the Durham Board of County Commissioners, do hereby proclaim October 2015 as

“LONG-TERM CARE RESIDENTS' RIGHTS MONTH”

in the Durham County and encourage all Durham residents to join in recognizing the right to quality care for our citizens in long-term care facilities.

This the 12th of October, 2015.

Michael D. Page, Chairman
Durham Board of County Commissioners

Gwen Price, Co-Chair; Lascel Webley, Vice Chair; and Carmelita Karhoff, Liaison, all of the Adult Care Home Community Advisory Committee thanked the Board for being supportive of the Adult Care community.

15-703 Proclamation - Lead Poison Prevention Month

Chairman Page read the following proclamation:

LEAD POISON PREVENTION MONTH | 2015

WHEREAS, the United States Centers for Disease Control indicates that lead poisoning is considered the most preventable environmental disease among young children, yet approximately half a million U.S. children have blood lead levels that fall into a dangerous category; and

WHEREAS, common renovation and repair activities, including sanding, cutting, drilling, and other renovation and demolition activities can create lead-bearing dust and chips by disturbing lead-based paint; and such lead-based dust and chips can be hazardous to human health, especially that of children; and

WHEREAS, the United States Environmental Protection Agency issued the Renovation, Repair, and Painting Rule on April 22, 2008, which established training and certification requirements for contractors, maintenance workers, and property owners related to renovation, repair, and painting projects in pre-1978 housing and child-occupied facilities; and

WHEREAS, the Durham County Commissioners acknowledge the hazards of lead-paint and requires contractors, maintenance workers, and property owners within the County of Durham to obtain necessary training and certification to conduct affected projects in compliance with the Renovation, Repair, and Painting Rule; and

WHEREAS, the Durham County Commissioners acknowledge that training, certification, and compliance with the North Carolina Lead-Based Paint Renovation, Repair and Painting Rule (“RRP”) is crucial to the health of Durham City and County's residents and visitors, especially children; and

WHEREAS, It is the policy of Durham County Government that its own renovation, repair, and painting projects be conducted in compliance with the Renovation, Repair, and Painting Rule, including all necessary contractor or employee training and certification.

NOW, THEREFORE, I, Michael D. Page, Chairman of the Durham Board of County Commissioners and on behalf of the Durham Board of County Commissioners, do hereby proclaim October 2015 as

“LEAD POISON PREVENTION MONTH”

in Durham County, North Carolina and urge all contractors, maintenance workers, and property owners within the County of Durham to obtain all necessary training and certification and to conduct affected projects in compliance with the Renovation, Repair, and Painting Rule.

This the 15th day of October, 2015.

Michael D. Page, Chairman
Durham Board of County Commissioners

Lenora Smith, Project Director, thanked the Board for acknowledging the proclamation. She stated she wanted to use the tool to inform the community about the hazards of lead poisoning and the importance of seeking certified contractors to check for lead.

Vice Chair Howerton thanked Ms. Smith and all the board members for all their hard work and dedication.

15-711 Proclamation - National Youth Justice Awareness Month

Chairman Page read the following proclamation:

NATIONAL YOUTH JUSTICE AWARENESS MONTH | 2015

WHEREAS, the role of the juvenile court system is to rehabilitate and treat youthful offenders while holding them accountable and maintaining public safety and is therefore better equipped to work with youth than the punitive nature of the adult criminal justice system; and

WHEREAS, youth who are placed under the supervision of the juvenile court system are able to access age appropriate services, education, and remain closer to their families, all of which reduces the likelihood of future offending and collateral consequences; and

WHEREAS, the Durham County Juvenile Crime Prevention Council (JCPC) is a statutorily authorized advisory council which plans, organizes and evaluates locally-based programs designed to prevent and mitigate juvenile delinquency in Durham County.

WHEREAS, juveniles admitted to detention in Durham County decreased by 84 (42%) from 200 in FY 2012-2013 to 116 in FY 2013-2014. Over five years, there has been a decrease of 162 (58%) juveniles admitted to detention in Durham County from 278 in FY 2009-2010 to 116 in FY 2013-2014; and

WHEREAS, JCPC funded program services providers served 700 youth in FY 2014-2015; and

WHEREAS, youth of color and youth with disabilities and mental health issues are disproportionately represented at all stages of the criminal justice system; and

WHEREAS, Durham County instituted the Misdemeanor Diversion Program to divert 16 and 17 year old first-time, non-violent offenders who commit misdemeanors by requiring youth to complete a community-based diversion program and attend a court session within 90 days; and

NOW THEREFORE, I, Michael D. Page, on behalf of the Board of County Commissioners do hereby proclaim the month of October 2015 as

“NATIONAL YOUTH JUSTICE AWARENESS MONTH”

in Durham, and hereby call upon public officials, business and community leaders, and educators, and encourage all citizens to observe this month with appropriate ceremonies, activities and programs in order to:

- recommit to ensuring our justice system acts as a framework for uplifting our young people with a sense of purpose so they can contribute to Durham's success; and
- emphasize prevention, promote cost-effective and community-based alternatives to confinement and sustain programs that provide academic support, job training and substance use disorder treatment and counseling to youth; and
- revamp school discipline policies so that our education system serves as a pathway to opportunity, rather than a pipeline to prison; and
- address persistent opportunity gaps faced by boys and young men of color and ensure all young people can reach their inherent potential.

This the 12th day of October, 2015

Michael D. Page, Chairman
Durham Board of County Commissioners

DeWarren Langley, Juvenile Crime Prevention Council (JCPC) Chair introduced himself along with other members of the Council. He stated that the JCPC looked forward to working with the community to assist juveniles reach their piece of the American dream.

Commissioner Reckhow thanked the JCPC for their hard work in keeping the percentages low.

Vice Chair Howerton thanked the Council and announced that the National Association of Counties (NACo) extended an invitation for Gudrun Parmer, Director of Criminal Justice Resource Center; Michael Becketts, Director of Social Services; Angela Nunn, Director of Youth Home Services, and herself to attend the Juvenile Justice Action Academy in Chicago, IL. She stated the invitation came

from an extension of the Council's hard work.

Commissioner Foster and Jacobs thanked each member for their experience and talent.

Other Business:

15-689 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 individuals listed below spoke about pay increases for the Durham Public Schools (DPS) bus drivers and other classified workers:

Carl Lowe, Bus Driver; Rhonda White, Bus Driver; DeWeldon Devine, Bus Driver; Marilen Jones, Bus Driver; Daniel Purcell, Grounds Keeper; Jerry Lennon, Bus Driver; Borden Amos, Supervisor of Electrical/Maintenance; Brian Callaway, Maintenance Worker; and Tony Leak, Former Bus Driver.

Brian Proffitt, Educator and Durham Association of Educators (DAE) President suggested that the public comment period be added to the Regular Session meeting to allow citizens who worked during the day to attend and voice their opinions. He also asked the Board to take the necessary steps to increase the salaries for all classified workers.

Chairman Page thanked the speakers for attending and voicing their concerns. He stated the request for a salary increase was not on the agenda and he could not render an answer tonight. Chairman Page mentioned the State did not fulfill the salary request made and the Board had asked administration to research the budget to satisfy the request.

Consent Agenda:

Chairman Page asked the Commissioners if they desired to pull any items from the Consent Agenda.

Commissioner Jacobs requested to comment on item 15-697.

Commissioner Reckhow moved, seconded by Commissioner Foster to approve the following on the Consent Agenda.

15-669 City Local Historic Landmarks, Background Information

*15-678 Budget Ordinance Amendment No. 16BCC000014 - Budget Changes Related to Capital Finance Program Dedicated Revenues, Transferring \$3,912,977 of General Fund Fund Balance to the Capital Financing Fund

*15-679 Budget Ordinance Amendment No. 16BCC000016 - General Fund Fund Balance Appropriation of \$137,380 to Support Roof Repairs to the Lincoln Community Health Center

*15-681 FY2014-2015 Encumbrance Rollover - Budget Ordinance Amendment No. 16BCC000015

15-687 Approving Resolution for the Durham County Hazard Mitigation Plan Update

*15-688 Budget Ordinance Amendment No. 16BCC000017 to Recognize Funds in the Amount of \$9,630.68 from the Summer Food Service Program Inspections for Environmental Health Division

*15-694 Capital Project Amendment No. 16CPA000003 Reducing the DTCC-Newton Building Capital Project (CC009) By \$2,680,000 and Moving Those Funds to the DTCC Campus Improvements Capital Project (CC007)

15-697 Approval of FY 15-16 Rural Operating Assistance \$224,135 and Execution of Certified Statement

The motion carried unanimously.

Item 15-697

Commissioner Jacobs stated that the County offered funds to provide transportation for citizens who had jobs but no transportation. Commissioner Jacobs stated that Linda Thomas-Wallace, Transportation Program Manager, could be contacted for more information.

Consent Agenda Item #15-678

**Durham County, North Carolina
2015-2016 Budget Ordinance
Amendment Number 16BCC000014**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2015-2016 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Financing Sources	\$19,658,946	\$3,912,977	\$23,571,923
<u>CAPITAL FINANCING FUND</u>			
Other Financing Sources	\$19,658,946	\$3,912,977	\$23,571,923

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
General Government	\$97,967,053	\$3,912,977	\$101,874,030
<u>CAPITAL FINANCING FUND</u>			
General Government	\$59,682,199	\$3,912,977	\$63,595,176

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 12th day of October, 2015.

Consent Agenda Item #15-679

**Durham County, North Carolina
2015-2016 Budget Ordinance**

Amendment Number 16BCC000016

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2015-2016 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Financing Sources	\$26,769,115	\$137,380	\$26,906,495

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
General Government	\$102,945,813	\$137,380	\$103,083,193

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 12th day of October, 2015.

Consent Agenda Item #15-681

**Durham County, North Carolina
2015-2016 Budget Ordinance
Amendment Number 16BCC000015**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2015-2016 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Financing Sources	\$23,571,923	\$3,197,192	\$26,769,115

RISK MANAGEMENT FUND

Other Financing Sources	\$169,847	\$11,750	\$181,597
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ENTERPRISE FUND

Other Financing Funds	\$500,000	\$15,885	\$515,885
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Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
General Government	\$101,874,030	\$1,071,783	\$102,945,813
Public Safety	\$57,394,251	\$472,078	\$57,866,329
Environmental Protection Economic and Physical Development	\$3,886,750	\$250,608	\$4,137,358
Human Services	\$6,107,940	\$503,092	\$6,611,032
Cultural and Recreation	\$89,305,469	\$752,446	\$90,057,915
	\$12,129,642	\$147,184	\$12,276,826

RISK MANAGEMENT FUND

General Government	\$2,892,081	\$11,750	\$2,903,831
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ENTERPRISE FUND

Utilities \$7,856,040 \$15,885 \$7,871,925

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 12th day of October, 2015.

Consent Agenda Item #15-688

**Durham County, North Carolina
2015-2016 Budget Ordinance
Amendment Number 16BCC000017**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2015-2016 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$57,701,544	\$9,631	\$57,711,175

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$90,057,915	\$9,631	\$90,067,546

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 12th day of October, 2015.

Consent Agenda Item #15-694

**DURHAM COUNTY, NORTH CAROLINA
2015-16 Capital Project Ordinance
Amendment Number 16CPA000003**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2015-16 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

Capital Project	Current Budget	Inc./Dec.	Revised Budget
DTCC-Newton Building (592CC009)	\$3,000,000	(\$2,680,000)	\$320,000
DTCC-Campus Improvements (5920CC007)	\$9,400,000	\$2,680,000	\$12,080,000

Adopted this the 12th day of October, 2015.

Regular Business:

15-700 Approval of a Public-Private Project Agreement with Wexford Chesterfield Parking, LLC

Marqueta Welton, Deputy County Manager introduced the item and stated the Board was requested to approve the Public-Private Project Agreement between Wexford Chesterfield Parking LLC and the County for \$1.2 million for the redevelopment of the Chesterfield Building and development of associated parking properties. She added the County would benefit due to the creation of new jobs and the increase in property/sales taxes.

Chairman Page asked the Board what was their pleasure on the item.

Commissioner Reckhow pointed out the new wording on Item 14 titled “*Assurance by Company of Appropriate Treatment of Contractors and Lower Tier Subcontractors*” on Page 16 of the Agreement. She stated she felt it was important to have the proviso and appreciate the developers for including the wording in the contract.

Vice Chair Howerton moved, seconded by Commissioner Reckhow to approve the Public-Private Project Agreement.

The motion carried unanimously.

Justin Parker, Wexford Science & Technology thanked the Board for the approval and Ms. Welton for all her hard work.

15-701 Approval of a Public-Private Project Agreement with Durham ID Phase I Developers, LLC

Marqueta Welton, Deputy County Manager requested the Board approve a Public-Private Project Agreement with Durham ID Phase I Developers, LLC for development of Phase I of the Durham Innovation District in an amount of \$2,500,000.00 to be paid over a 5-year period. She added the County would benefit from participation in the project from an increase to annual property taxes and the creation of new jobs and parking spaces.

Jessica Brock, Managing Director with Longfellow Real Estate thanked the Board for their support on the transformational project in Downtown Durham.

Hank Scherich, Measurement Inc., stated the first phase was a significant step on getting the development going on Measurement Inc. property and asked that the Board approve the agreement.

Commissioner Reckhow thanked Mr. Scherich for being a real pioneer and for his investments in Durham County.

Commissioner Jacobs asked for clarification on page 4 with regard to the parking; asking was it the same number of parking spaces. Ms. Welton responded it was the same number of parking spaces. She added the developer agreed to designate 50% of those spaces to level one and two so that the short term users would be able to enter and exit the development at ease. Commissioner Jacobs acknowledged the value of the parking spaces which range from \$6,000-\$7,000 per space. Ms Welton stated that price had since doubled.

Vice Chair Howerton moved, seconded by Commissioner Reckhow to approve the Public-Private Partnership with Durham ID Phase I Developers, LLC.

The motion carried unanimously.

15-709 BOCC Response to Letter and Direction to Staff on the Durham-Orange Light Rail Draft National Environmental Policy Act (NEPA) Preferred Alternative in the Draft Environmental Impact Statement (DEIS)

Chairman Page stated the Board was asked to provide comment and direct staff on whether to proceed with providing a letter to GoTriangle on the NEPA Preferred Alternative in the Draft Environmental Impact Statement (DEIS).

Linda Thomas-Wallace, Transportation Program Manager, Durham County Access stated they sought the guidance and direction on how to proceed with the letter to GoTriangle. She discussed what was addressed which included support for the build option, community concerns, outlined issues for further consideration and analysis, and construction impact to buildings and streets.

Commissioner Jacobs suggested the removal of the word “the” after the word “using” from page three (3) line item F. She suggested the following verbiage:

“In light of issues raised regarding the Farrington Rail Operations and Maintenance Facility, the County suggests that the feasibility of using alternative sites be revisited.”

Commissioner Reckhow responded they would need to look at the alternative sites in the DEIS. Commissioner Jacobs asked for clarification on the alternative sites.

Patrick Young, City-County Planning, stated there was a site in the DEIS named Leigh Village. He added the Leigh Village site overlapped the Farrington site. Commissioner Jacobs mentioned she was referring to the location of the transit site would be on the opposite side of Farrington Road. Mr. Young stated they searched the corridor and there was no site in the proximity of the station site. He continued to say they searched over 17 miles for places and they came up with the (4) four locations mentioned. Commissioner Jacobs stated the word “the” limited looking at alternate locations.

Commissioner Foster suggested leaving the letter as it was. He stated the letter gave enough information to make sure the citizens’ concerns were addressed and he fully supported it as it was written.

Commissioner Reckhow stated the letter was a positive step forward for the Board.

Vice Chair Howerton thanked the County Manager, staff and Ms. Thomas for listening to the citizens and putting the letter together.

Chairman Page stated he supported Commissioner Foster and Reckhow with their comments and wished to move forward with the letter.

Commissioner Jacobs also agreed to support the letter.

Commissioner Reckhow moved, seconded by Commissioner Jacobs to authorize the Board Chair to sign the letter as presented.

The motion carried unanimously.

Closed Session:

Chairman Page announced that the Board was requested to adjourn to Closed Session pursuant to G.S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.

Commissioner Reckhow moved, seconded by Commissioner Jacobs to adjourn to closed session.

The motion carried unanimously.

Reconvene to Open Session:

Chairman Page announced the Board met in closed session and provided direction to staff.

Adjournment:

Vice Chair Howerton moved, seconded by Commissioner Foster to adjourn the Regular Session meeting.

The motion carried unanimously.

Respectfully Submitted,



Monica W. Toomer
Deputy Clerk to the Board