

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

Monday, November 2, 2015

9:00 A.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.

Terry Rekeweg expressed his opposition for the Durham-Orange Light Rail Project and presented the Commissioners with a report detailing his findings and a listing of citizen comments that shared his viewpoint.

Rachel Eitzen from the Teamsters Union, representatives of classified school employees in Durham Public Schools, thanked the Board for their commitment to their cause and encouraged the County to provide the pay raises that the State failed to provide.

Chairman Page thanked her and clarified that the Board was still waiting on the results of the School System's audit.

Victoria Peterson stated that the Durham Technical Community College's disability program was in violation of the American Disability Act. She asked that the Board look into the situation as her repeated attempts to communicate with authority figures, including the Durham Technical Community College Board of Trustees, had been ineffective.

Chairman Page stated that they would follow up with her and all others who spoke.

**Discussion Items:**

**15-735 Discussion on Proposed Redevelopment of the Health and Human Services Parking Lot**

Manager Davis explained that the County's current Capital Improvement Plan (CIP) called for a parking structure to go on the Main Street parking lot across from the Durham Housing Authority, but CitiSculpt was offering an alternative option—a redevelopment proposal for the County's parking lot at 500 East Main Street which supported the Health and Human Services Building.

Commissioner Reckhow inquired as to when the Board would be receiving the Master Plan. Manager Davis estimated that it would be ready to be presented by the January 2016 Worksession, if not sooner. Commissioner Reckhow suggested having a Special Meeting if it became ready before January.

Charles Watts, The Banks Law Firm, presented a PowerPoint requesting for the Board to authorize its staff to change the current Capital Spending Plan from plans of a deck on the north side of the 300 Block of East Main Street to plans for a deck on south side of the 500 block of East Main Street. The PowerPoint contained aerial shots of the existing parking lots, how many parking spots they contained, illustrations of the parking deck CitiSculpt was proposing be done at 500 East Main Street, and how many parking spots would be contained in the deck.

Geoff Durham, President/CEO of Downtown Durham Inc., stated that their organization's largest concern would be the connection between downtown and the center city. They believed the east main gateway would be critical in drawing people in and creating a walkable experience. They hoped to be included in all future discussions regarding redevelopment of the area.

Commissioner Jacobs thanked the panel and emphasized the importance of the site due to it being within a half mile of the transit stop at Dillard and because it provided an opportunity to develop affordable workforce housing as well as affordable office and retail spaces.

Commissioner Jacobs questioned the possibility of leaving a portion of surface parking as it was. C. Lindsey McAlpine, CitiSculpt Managing Partner, explained that the rear portion of the lot would remain surface parking in order to maintain the same number of currently available parking throughout the duration of construction of the proposed deck. Mr. Watts added that the main goal would be to maximize parking spots while activating the surrounding areas, the proposed deck would fulfill this goal. Commissioner Jacobs expressed her concern for the rear section not being activated. Mr. McAlpine clarified that it was difficult to see through the illustrations on the PowerPoint, but the deck wrap would be focused on (rather than the deck itself) to ensure that the opportunity for future development remained intact.

Commissioner Reckhow inquired as to how many spots would be developed through the proposed deck. Mr. Watts replied that there were currently 404 spots available and there would be 927 on the proposed deck and 131 on the surface parking. Mr. McAlpine clarified that the illustrations on the slides showed one possibility out of many and the deck could actually be made with more floors (and more parking spots) than shown. Commissioner Reckhow asked how many public parking spots there would be at the proposed Police Station. George Hining, Director of Marketing at MHAworks, stated that most of the lots would be self-contained, but they would probably utilize some for public parking as well. Commissioner Reckhow suggested working with the City in order to provide a few spaces for some of their public parking needs.

Commissioner Reckhow inquired as to how many spaces Go Triangle proposed at the Dillard Street stop for public parking. Mr. McAlpine stated that they proposed 900 spaces on the Hendrick lot. Commissioner Reckhow recommended looking into joint ventures with Go Triangle and to use the agreement that Go Triangle arranged with American Tobacco as a guide—American Tobacco leased the top level of their parking deck to Go Triangle for long-term transit riders.

Commissioner Reckhow asked whether any commercial leasing was envisioned on the ground floor. Mr. McAlpine confirmed that commercial would be located at the ground floor and added that housing could be located in the above levels. Commissioner Reckhow questioned if CitiSculpt was proposing to be a private partner in the development of the deck. Mr. Watts and Mr. McAlpine answered in the affirmative.

Mr. Watts brought the presentation to a close by listing the benefits that the County would enjoy if the parking deck strategy was altered as proposed.

Commissioner Jacobs thanked the panel and emphasized the importance of the location site's ability to be activated. Commissioner Reckhow agreed and articulated the importance of the activation of the streetscape as well as the opportunity to create affordable housing. She suggested various ways to make this project more affordable for the County, including partnering with the City for public parking. Manager Davis concurred with Commissioner Reckhow's suggestion regarding partnerships and stated that there would be discussions held with Go Triangle and the City to ensure that the project was done correctly. Mr. Watts suggested the Durham Housing Authority as another partner.

Commissioner Jacobs inquired as to whether the County would use students in the University of North Carolina at Chapel Hill School of Government to ensure the new P3 legislation was followed. Manager Davis answered in the affirmative. Commissioner Jacobs stated that the lot that was currently in the CIP should not be forgotten as it also needed to be activated. Mr. Watts clarified that they were proposing the 500 East Main lot be done before the lot currently in the CIP.

### **15-690 FY 2014-2015 Annual Report of the Durham County Juvenile Crime Prevention Council**

DeWarren Langley, Juvenile Crime Prevention Council (JCPC) Chair, introduced Umar Muhammad, JCPC Vice-Chair, and Dwight Whitaker, JCPC member. Mr. Langley presented a PowerPoint on the FY 2014-2015 Annual Report of the JCPC which included their accomplishments, objectives for the upcoming year and membership attendance data. The JCPC also submitted Durham County 5-Year NCJOIN Juvenile Court Data, adjudications by offense, funding allocation, program service provider descriptions, and measurable objective status reports for funded program service providers.

Commissioner Jacobs asked what caused the decline of juvenile crime occurrences. Mr. Langley explained that Juvenile Court Counselors frequently employed diversion strategies; they

considered each complaint to determine whether it needed to be addressed by the courts or if there were alternative community programs the youth could enter for remediation.

Commissioner Reckhow questioned whether the JCPC had discussed the Durham Gang Crime Report (2009 – 2014) findings—which stated that high rates of juvenile offenders who were gang affiliated had also abused drugs—and how the data compared to the declining rate of juvenile offenders in the court system. Mr. Langley replied that they had not, but due to the fact that gang involvement data relied on youth self-reporting, the reported rate could differ from the actual rate. Young people could self-identify as being gang involved, but their involvement could be as little as having gang affiliated family members or friends. Commissioner Reckhow stated that the study prompted articles in major media outlets that questioned Durham’s actions towards reducing such crime; it was an important conversation to have in order to determine if other initiatives would be needed. Manager Davis concurred with Commissioner Reckhow’s comments and pointed out that the statistics from the report and from JCPC would enable the County to develop better action strategies.

Vice Chair Howerton also noted that the data collected needed to be the correct type of data in order to draw applicable conclusions.

Commissioner Jacobs emphasized the link between substance abuse and mental health needs of gang members as noted in the report and the importance of addressing the causes of gang membership and making sure youth receive screening and treatment—the report recommended screening third graders, she suggested that JCPC include prevention methods in their strategy. Commissioner Reckhow cautioned that statistics should be kept in perspective and stated that there needed to be a thorough analysis of the study within the context of the community. Mr. Langley stated that they would study the report. He acknowledged that a process in the community that gave youth an assessment before a criminal complaint was filed would be a great prevention tool.

Chairman Page inquired about the Rebound, Alternatives for Youth program. Mr. Langley clarified that it was a program directed by Pam Gray that serviced young people on short-term suspensions. Chairman Page asked what kinds of community service assignments were given to young people. Mr. Langley explained that the assignments were normally appointed to programs funded by JCPC.

Vice Chair Howerton requested more information regarding sex crimes. Mr. Langley replied that there were no reported sex crimes committed by young people during FY13-14.

### **15-691 Naming Policy for Durham County Government Facilities**

Willie Darby, Senior Assistant County Attorney, discussed the Naming Policy that was recently drafted. He specified that if the County adopted a Naming Policy, the Durham County Library Naming Policy would stay in effect and the County’s would only add on to it. Furthermore, the Library’s Naming Policy only accounted for naming areas within the library (rooms, aspects, sections, etc.), it did not mention naming the library itself. The County’s policy would be applicable to public recreation areas, buildings, sections or spaces within buildings, parks. Living and deceased people, even elected officials, would be eligible to have areas named after them.

Mr. Darby described the process that would take place once an application was submitted, this would include the application going to the Manager’s office, and any other affected departments, before going to the Board. Afterwards, the Board would conduct a public hearing and then decide to accept as-is, deny, or even modify it.

Commissioner Reckhow stated her opposition for naming Durham County facilities after people and believed that areas should only be named after deceased people—this would prevent embarrassing situations requiring renamings if namesakes do something negative. Mr. Darby stated that the changes could be made to reflect that. Commissioner Jacobs concurred with Commissioner Reckhow and added that renamings should be used very sparingly and only for special circumstances. Chairman Page concurred with renamings being used on a limited basis.

Manager Davis encouraged the Board to keep in mind a desired objective regarding the Naming Policy, whether it was to simply honor people who had contributed greatly to the community and/or whether it would be used as a fundraising opportunity. Determining the goal would help decide which parameters were fitting for the Naming Policy so as not to limit either option.

Commissioner Reckhow noted that raising capital via naming could require a new staff position, one that would actively market naming opportunities for donations. She agreed that the County should be open to raising funds via naming, but should not allow the naming of entire buildings. Commissioner Jacobs thought it was important that the names of County buildings reflect their purpose and/or location in order to be easily recognizable as County buildings for the benefit of the citizens in the community. Mr. Darby specified that having the authority to name a building does not require one to exercise it; they could even make the requirements to name a building more stringent. He cautioned that not including the naming of a building might lead to a similar position in the future, i.e. the County without a “building naming policy.”

Chairman Page stated that he did not want to exclude people who were living from having something named after them. Commissioner Jacobs was satisfied with the criteria for who could have a location named after them. Vice Chair Howerton voiced her desire to leave flexibility for donations and funding opportunities. Manager Davis assured the Board that all requests would be taken into consideration.

All Commissioners concurred that the naming of buildings should not be allowed.

Commissioner Jacobs requested that the terms under which renaming a location be adjusted so as to ensure that it would only happen under very specific circumstances. Commissioner Reckhow requested that the requirement to wait a minimum of 20 years before renaming be shortened or removed from the Naming Policy.

**15-721 School Health Program, Durham County Department of Public Health**

Gayle Harris, Public Health Director, introduced Joanne Pierce, Deputy Public Health Director; Hattie Wood, Director of Community Health and Nursing; Cheryl Scott, Public Health Nurse Program Manager; and Jenny Mauch, Public Health Nurse Supervisor.

Ms. Mauch, serving as a representative of the School Health Program offered by the Durham County Department of Public Health, gave a presentation about the role of school nurses. The School Health Program provides nursing services to students and families enrolled in the fifty-five (55) Durham Public Schools (DPS) and consultation services to charter schools in the community. The objectives of the presentation were to identify school nurse services, recognize student medical conditions, identify the medical caregivers in schools, and to assess the DPS school-nurse-to-student ratio. Using the nursing process, emphasis is placed on health promotion, early intervention, and remediation of health problems by working collaboratively with the student, family, school personnel and healthcare professionals. According to the National Association of School Nurses, the percentage of students with chronic health conditions increased from 1.6% to more than 25% since the 1960s. The American Academy of Pediatrics strongly endorsed having a full-time licensed registered nurse in every school.

Commissioner Jacobs inquired as to how mental health issues or child abuse were diagnosed or identified. Ms. Mauch responded that it could be observed by teachers or school staff, but oftentimes the students would disclose the information voluntarily when questioned; she gave an example of an eight (8) year-old student who habitually sought attention during school and was eventually referred to Alliance Behavioral Healthcare after admitting she had contemplated self-harm.

Chairman Page asked if it was nationally typical for the school-nurse-to-student ratio to be skewed towards having too many students per school nurse; the School Nurse Association recommended one school nurse per 750 students, but DPS nurses each serviced around 1225 students. Ms. Mauch responded that it broadly varied; Cabarrus County began employing one (1) nurse per school in 1999. Director Harris added that Mecklenburg County began employing one (1) nurse per school in 2014. Vice Chair Howerton expressed her disbelief that teachers were required to administer medications and monitor chronic health conditions.

Commissioner Jacobs inquired about Durham County having school-based clinics. Ms. Mauch listed the school-based clinics and revealed that they were not intended to service students, but rather the community at large by having wellness checkups and such. Commissioner Jacobs expressed the importance of school-based clinics as they provided physicals for sports and even served as the only location that some families used for medical care.

Commissioner Reckhow suggested researching the differences between the six (6) schools with fulltime school nurses and six (6) schools with similar demographics without fulltime nurses.

Ms. Scott presented the economic benefits of having fulltime school nurses and discussed research findings. At the end of the PowerPoint, a video was shown to illustrate the necessity of fulltime nurses in Durham County public schools.

Commissioner Reckhow requested that research be done to determine the logistics of meeting the recommended school-nurse-to-student ratio. Manager Davis disclosed that he, Director Harris, and Dr. A. Eugene Washington, Duke University Chancellor for Health Affairs, had begun communicating about projects and Director Harris was currently working on strategy mapping.

Commissioner Jacobs suggested using nursing students and/or residents at local universities as a resource, looking at attendance records between the schools with fulltime nurses and the ones without, and considering the integration of social services into schools to help families in crisis.

Vice Chair Howerton thanked the panel for the presentation.

**15-739 Discussion of Memorandum of Understanding between Board of County Commissioners and Board of Education**

Manager Davis encouraged the Board to take into consideration the educational system crisis while discussing the development of a new Memorandum of Understanding (MOU) with the Board of Education (BOE) to determine which elements should be included.

Commissioner Jacobs stated that the new MOU should include information regarding how schools are funded, educational priorities between the Boards, how funding is connected to the identified priorities, and how those priorities are measured. The MOU should also include charter schools, not just public schools, to ensure the same level of accountability and responsibility for the success of all schools funded by the County.

Chairman Page concurred with including charter schools in the MOU. He emphasized that the MOU needed to be a truly joint effort between both Boards in order for it to work; a collaboration and not something imposed on the BOE by Board of County Commissioners. Chairman Page suggested adding a section to the MOU regarding indirect services the County provides such as those by the Department of Social Services.

Vice Chair Howerton wondered how would they would connect DSS to the MOU and how could charter schools be included since they do not answer to the Board of County Commissioners. Manager Davis clarified that the MOU would need to be a holistic document that detailed the County services and the way the services were measured for successful outcomes. The current relationship status between the County, charter schools, and Durham Public Schools was bordering a tense competition, but the MOU would aid in unifying all entities and better serving the Durham community.

Commissioner Reckhow stated that it would be difficult to do a global MOU that included the charter schools and the public schools and therefore two (2) separate MOU documents would be beneficial. In reference to the one for Durham Public Schools, she suggested having a strong statement regarding improving educational achievement, including a budget process and format that was mutually chosen by the Boards—one that would address concerns regarding transparency and a possible budget formula, a section that defined the kinds of full reporting the Commissioners would receive via regular communications throughout year (end-of-course test data, SAT scores, ACT scores, graduation rates, suspension rates, etc.), and a commitment to measuring results. Chairman Page voiced his agreement with the importance of making the budget more user friendly.

Commissioner Foster suggested including the Boards' goals, a mutually set amount of funds that DPS would receive from the County, and a procedure that would track funds given to DPS by the

County to ensure that they were used for their intended purpose. This would prevent any future disagreements regarding the allocation of funds by DPS and provide a trail for any misuse of funds. Commissioner Reckhow and Vice Chair Howerton concurred that there needed to be discussions regarding resource allocation and management conducted by the BOE.

Chairman Page acknowledged the myth regarding the quality of education students were receiving through DPS and stated that the community should be better educated on the many successes of the public schools. They should also ensure that school system employees were being treated and compensated fairly.

Vice Chair Howerton recounted her personal experience of being a parent to a DPS student and the success her son attained because of his teachers and counselors. She emphasized the importance of creating an MOU and working well with the BOE.

Commissioner Reckhow noted that a budget formula would be the most difficult and time consuming portion to negotiate with the BOE, and though it would simplify the process once agreed upon, it might only be applicable for a year after which the Board would need to deviate.

Commissioner Jacobs concurred that a budget formula might not be appropriate as it would not fit with the Managers' Managing for Results plan. She recommended specific agreements with the BOEd regarding future funding as it would prevent yearly disagreements; an example was increased funding if attendance rates increased.

Manager Davis noted that if the Board opted to use a budget formula, it would require that the MOU be considered in the same context as the County's Strategic Plan—a vital document that needed updating every couple of years. A meaningful budget formula would need data to be gathered regarding the status of DPS including kindergarten readiness, EOC testing, ACT testing, SAT testing, dropout rates, teen pregnancy rates, and suspension rates. Determining the level DPS was at would enable the Boards to make informed decisions regarding which areas to invest resources and focus on. The data would also help measure progress as time went by and inform them if any modifications were needed.

Commissioner Jacobs requested including DPS staff retention rates, average yearly growth, third grade reading scores, attendance rates, and teacher satisfaction as other data points to look at. She suggested using Wake County's format, specifically referring to their County Funding by Purpose and Function page, when displaying budget details so as to improve the information's readability.

Manager Davis advised the Commissioners to be measured when setting limits for the BOE in the MOU in order to create effective policy decisions. He suggested discussing resource allocation from the viewpoint of best management practices, it would enable them to focus on the areas that were not adding value to the bottom line and prompt any necessary shifting in resources. He recommended that the Commissioners each receive a copy of David Kirp's Improbable Scholars. The Clerk was directed to order five (5) copies for the Board.



Commissioner Jacobs disclosed hearing that Durham public schools are very “top-down” and the schools might benefit from a reconstruction of their organizational structure. Manager Davis suggested raising questions regarding other NC school districts that spend less on education but get better results than Durham County. Vice Chair Howerton offered that the counterargument would be whether said counties have as many students on reduced/free lunch as Durham does. Manager Davis stated that the argument would not hold due to the existence of very successful school programs catering to very poor children.

Chairman Page expressed his concern that not enough communication was being had between the Boards; this could lead to the BOE to feel as though the Commissioners were dictating to them. Commissioner Foster concurred and stated that both Boards should agree upon the MOU.

Commissioner Reckhow suggested that staff use given suggestions to create a draft document, have the BOE conduct a similar discussion to create their own draft document, and then organize a meeting for both Boards to discuss similarities between the draft documents to be included in the MOU.

Vice Chair Howerton suggested using an objective facilitator to minimize any friction between the Boards.

Commissioner Jacobs asked staff to begin working on a draft using the suggestions made by the Board.

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Commissioner Jacobs touched on the news reports that stated many inmates were going to be discharged from federal prison and requested information regarding the programs and services available to help them in terms of reentry into the community. She also requested information on the impact that the new legislation would create in regards to sanctuary cities. Vice Chair Howerton stated that according to a report from Gudrun Palmer, Criminal Resource Justice Center Director, there were 60 people that would be returning to Durham. Manager Davis stated that a spike in violent crime in 2016 was anticipated across the nation and that the County would need to prepare for it. Chairman Page and Vice Chair Howerton noted that there were already organizations preparing the community, including the CJRC.

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Commissioner Reckhow brought up the Universal Pre-K Resolution and urged the Board to aid in progressing it to the City for officiation.

**Directives:**

- **The Clerk was directed to order five (5) copies of David Kirp’s Improbable Scholars for the Commissioners.**
- **Staff was directed to begin working on a draft document for the MOU using the suggestions made by the Board.**

**Adjournment**

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

The motion carried unanimously.

Respectfully submitted,

Tania De Los Santos  
Administrative Support Assistant