

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

Monday, June 6, 2016

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

Agenda Adjustments

Commissioner Reckhow moved, seconded by Commissioner Jacobs, to pull agenda item 16-1104 Discussion of Proposed Naming and Re-Naming Policy in order to request that the Clerk produce a transcript of a previous discussion. This would help ensure that the Naming Policy Draft better reflected the Board's directions.

The motion failed unanimously.

Commissioner Reckhow moved, seconded by Vice Chair Howerton, to add a discussion to the agenda, to take place before Closed Session, in order for the Board to request that the Durham Board of Elections prepare a corrective action plan.

The motion carried unanimously.

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 personal matters.

Gregory Williams, member of Inside-Outside Alliance, urged the Board to allow for an independent, community-led investigation into the Durham County Detention Center that the Sheriff did not select. He also delivered the First Five Grieving Committee's, a nonviolent group of inmates seeking to improve circumstances inside the Detention Facility, response to the Sheriff's reply which included a list of 8 demands.

Chairman Page asked Mr. Williams to leave the comments with the Clerk.

Edwin Harris, member of Inside-Outside Alliance, read a letter written by a person whose fiancé was currently an inmate in the Detention Center. The letter described the difficulty she faced when she tried to visit her fiancé, once with their children and once alone, as well as the length of time it took for mail correspondence to reach the inmate and her. Mr. Harris reiterated the request for the Board to allow for an independent, community-led investigation into the Durham County Detention Center that the Sheriff did not control.

Chairman Page asked Mr. Harris to give a copy of the letter to the Clerk.

Kate Fellman stated that she was a member of a group called You Can Vote which helped citizens overcome the new legislative barriers to voting; the new barriers were one less week of early voting and the voiding of out-of-precinct voting. She requested help from the Board of County Commissioners and the Board of Elections to thoroughly educate voters before, during, and after early voting in order to achieve high numbers of voter turnouts as were observed in the 2008 election. She compared Durham County's Board of Elections social media platform use to Wake County's vibrant and informative online presence.

Commissioner Jacobs concurred that Durham County needed to do something similar to Wake County's use of social media to engage voters and wanted to know what could be done to address the issue. Manager Davis shared that various technology upgrades would be occurring and they would take this into consideration during the process; they would also discuss any needed policy changes with the Board of Elections.

Commissioner Foster requested that Ms. Fellman give a copy of her speaking notes to the Clerk. He also wanted to discuss the lack of staffing in the Board of Elections office and hoped more resources were used to increase to the number of knowledgeable staff. Manager Davis stated that Durham County was very determined to shift resources accordingly and as needed.

Commissioner Reckhow concurred that voters needed to be more educated on the different policies of early voting and Election Day voting; many citizens thought that they were able to vote at any polling site during both which resulted in an abundance of provisional votes. She also proposed obtaining guidance from the State Board of Elections regarding their role and the County's role as well as jurisdictional duties.

Joe Stapleton, member of Inside-Outside Alliance, read a letter by an inmate detailing inmate mental abuse at the hands of detention officers. He requested that the Board allow an independent, community-led investigation into the practices of the Durham County Detention Center.

Sheryl Smith was opposed to the Durham Public Schools bond because she did not believe that another elementary school was needed. She felt that Durham Public Schools was not held accountable for failing to properly educate students, for failing to keep them safe from bullying, and for criminalizing them—she claimed that the police were called on a fourth grade student when she acted out after being repeatedly bullied.

Chairman Page noted that the time allotted for the Citizen Comments period had expired due mainly to the Board's questions and remarks.

Vice Chair Howerton moved, seconded by Commissioner Reckhow, to extend the Citizen Comment period.

The motion carried unanimously.

James Chavis Jr. stated that the requested new DPS elementary school would serve a primarily white neighborhood and that the nearby schools were not overcrowded so there was not an actual need for the new school to be built. He believed that racial prejudice was a main factor in determining where the school was chosen to be constructed.

William A. Hood, supporter of Inside-Outside Alliance, read a letter written by an inmate who believed that the conditions in the Durham County Detention Center were made intentionally "terrible" so as to push for more pleas and admitted-guilt convictions. He also requested that the Board allow an independent, citizen-run investigation of the Durham County Detention Center that was not chosen by someone who had a vested interest in covering up anything.

John Tarantino suggested staff development trainings by a psychologist or social worker, installing cameras in remote areas, and closer supervisory scrutiny as quick solutions for the problems in the Durham County Detention Center. He sang a short musical roast of the Reckhows as well as a song titled Durham Small Talk that he hoped would become the official Durham County or City song. He was applying for an employment position in a small school district and requested a character reference letter from the Board members or the County Manager.

Discussion Items:

16-1113 Presentation of Polling Results Regarding Potential 2016 Bond Referendum

The Board was requested to hear results from a polling report on a proposed bond referendum for four community projects. As part its CIP, Durham County was proposing a bond referendum to be included on the November 2016 ballot to help fund future building projects for: Durham Public Schools; Durham Technical Community College; Durham County Main Library; and the Museum of Life and Science.

Deborah Craig-Ray, General Manager of the Office of Strategic Management and Innovation, Public Affairs and Special Projects, stated that staff contacted Campaign Research + Strategy in April to engage the firm for the purpose of conducting advance polling to gauge residents' opinions about the specific bond projects. The goal was measuring voter support and identifying any challenges that were indicated.

Tige Watts, President of Campaign Research + Strategy and his firm conducted polling using a 600-sample study in early May 2016. His firm performed similar polling for Durham County in advance of other critical votes, 2011 for the 1/2 and 1/4 cent sales tax votes for education and

transit. Mr. Watts shared the methodology and guided the Board through the report and its results.

Commissioner Reckhow suggested using the Durham median home value in the examples when creating the educational materials that would help give a snapshot of potential increases in property taxes. Commissioner Foster wanted the examples to reflect accurate figures in terms of home values and the property tax rate after revaluation. Ms. Craig-Ray stated that when the examples in the survey were created, the information regarding the tax rate was not yet known; she assured the Board that they would take everything into consideration when creating future educational materials. Commissioner Reckhow expressed the need to ensure that the correct price for each project was accurately portrayed as well.

Commissioner Jacobs asked if the Board had power over what was written into the bond referendum. Ms. Craig-Ray clarified that the Bond Counsel and the Local Government Commission scripted what would be put on the ballot as there was required legal language. She stated that County staff could not market the bond, they could only publicly educate and the education portion included providing a complete list projects as well as the dollar amount associated with each to the citizens.

Vice Chair Howerton requested more information regarding the marketing of bonds. Manager Davis explained that there was a private group of citizens, the marketing committee, whose responsibility was to promote the bond to the voters. Commissioner Reckhow specified that Commissioners could discuss the bond with citizens, but were to keep the discussion around facts without adding any embellishments.

Commissioner Reckhow and Mr. Watts discussed voter turnout rates.

Vice Chair Howerton questioned what possible challenges could arise when attempting to pass bonds. Mr. Watts discussed the reasons why bonds sometimes failed to pass and advised the Board to keep an eye on the overall price tag on the ballot—a too high number made people uneasy. Manager Davis and Mr. Watts discussed the Charlotte-Mecklenburg School referendum and why it failed.

Commissioner Jacobs inquired whether Mr. Watts thought that the County was in a favorable position for passing all bond referenda. Mr. Watts stated that he really believed they would pass and further recommended using education as the campaign theme for the bond.

16-1071 The State of Durham County ABC Operations - 2016

The Board was requested to receive the Durham County ABC State of Operations' report. This report was in conjunction with the Annual Financial Report previously provided.

Wayland Burton, Alcoholic Beverage Control Board Chairman, presented a PowerPoint to the Board which included information about the following:

- ABC Board Administration Staff, Attorney, and Law Enforcement
- Mission
- Distribution of Funds

- State licensing systems and state monopoly systems (control vs. open states)
- FY16 spotlights and FY17 goals

Commissioner Reckhow and Mr. Burton discussed gross sales and exceeding State mandated revenues, increasing alcoholic beverage education, and working capital increases to fund technology upgrades, maintenance, and expansion renovations for ABC stores. Commissioner Reckhow wondered whether a portion of the ABC revenue could be used to help fund Step Up initiatives and mental health access sites. Mr. Burton assured her that helping the community in whichever way possible was something they strived to do and they would be open to looking into the matter further.

Commissioner Jacobs questioned how fake IDs were spotted and what occurred when someone attempted to use a fake ID. Perlie Davis, Interim General Manager, described the Intellicheck Age ID™ app that was able to instantly authenticate identification documents and had a 100% accuracy rate of detecting fake IDs. Mr. Burton described the procedure ABC stores followed in the event of catching a fake ID; this process included taking the ID, calling law enforcement (law enforcement could issue a violation to the person), banning the person from purchasing alcohol in Durham County ABC stores, and alerting local law enforcement of fake IDs. Commissioner Jacobs was concerned with criminalizing the act of attempting to use fake IDs to purchase alcohol since it would contribute to young people having criminal backgrounds, and limit their future opportunities. Mr. Burton noted that liability would be a problem if the ABC retail staff failed to alert law enforcement and the person committed a related crime.

Commissioner Reckhow encouraged the ABC Board to continue to focus on being profitable and generating revenue as it aided the County in funding programs for the community.

Commissioner Jacobs wondered about the status of the General Manager search. Mr. Burton updated her on where the process was and what was left to be completed.

16-1106 My Brother's Keeper Durham and Public Allies Partnership

The Board was requested to review the contract and suspend the rules to approve the contract between Durham County Government and Public Allies North Carolina for work with My Brother's Keeper (MBK) Durham.

Manager Davis stated that since the MBK Durham November 2015 Community Update and Feedback Session, staff had finalized the 24 recommendations that were drafted from the policy review. They also discussed three primary strategies to implement the recommendations which were:

- Draft and advertise a Request for Proposal (RFP) for recommendations that will require a collective of organizations.
- Identify members and form work groups for recommendations that will require individuals with specific backgrounds to work together.
- MBK Durham Manager will work directly with partners to implement the recommendations.

The Public Allies would support the implementation work of MBK Durham. The MBK Durham Manager would ensure that the 24 recommendations were realized, identify sustainability plans for MBK Durham, pursue funding streams, and build and maintain partnerships.

The allies were well equipped to provide support in the areas of Health, Educational Attainment, Job Training and Placement, Court Involvement, Community Engagement and Communication. They would have specific tasks to complete related to the implementation of the recommendations but would also work as a team. A lesson learned during the policy review phase of this process was that a good model for executing this work was to have thought leaders guide the strategy and to have “ground troops” complete the everyday details associated with the strategy.

Allies would begin work on Tuesday, June 7th and work for one ten (10) month term. Public Allies would have the opportunity to opt to work for a second ten (10) month term with a mutual agreement between the Ally and the County. The total amount of the contract for the ten (10) month period was \$107,011.90. Durham County Government was to pay Public Allies North Carolina monthly who would in turn pay the individual allies.

Commissioner Reckhow inquired about the salary for the Public Allies. Dionne Hines, Assistant to the County Manager, stated that allies would make around \$15,000 in the first year over a ten (10) month period and then \$18,000 in their second year. Cheri Pearson, Executive Director of Public Allies North Carolina, added that Public Allies was an AmeriCorps program and AmeriCorps provided full healthcare benefits to the allies and at the end of their service they were awarded an educational award in the amount of \$5,500.

Commissioner Jacobs requested more information on Public Allies and wondered how the allies were expected to live on a small salary, especially considering their extensive backgrounds. Ms. Pearson stated that the allies were essentially volunteers with living stipends—very specific types of people chose to participate in the programs. AmeriCorps also provided full childcare to the allies’ children and other benefits to offset certain living expenses they could have. Ms. Pearson described the purpose of the AmeriCorps program.

Vice Chair Howerton moved, seconded by Commissioner Reckhow, to suspend the rules.

The motion carried unanimously.

Vice Chair Howerton moved, seconded by Commissioner Reckhow, to approve partnership.

The motion carried unanimously.

16-1036 Discussion on Staggered Terms for Citizen Appointments

The Board was requested to discuss a policy for appointing citizens to Boards with staggered terms and, if there was a consensus, the Board was requested to suspend the Rules and approve the policy.

Commissioner Reckhow described the recommendation given by Michelle V. Parker-Evans, the County Clerk to the Board, which entailed giving the highest vote-getters the longest terms; the Chair could pull names out of a hat if a tie needed to be broken.

Commissioner Jacobs added that the City used the method that Ms. Parker-Evans recommended.

Commissioner Foster noted that they were creating a policy and future terms would be decided in the same manner. He believed it was the most fair and equitable method.

Commissioner Reckhow moved, seconded by Vice Chair Howerton, to suspend the rules.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Vice Chair Howerton, to adopt the staggered terms procedure recommended by the Clerk.

The motion carried unanimously.

16-1084 Citizen Appointments - Sports Commission

Michelle Parker-Evans, Clerk to the Board, requested that the Board to suspend the Rules and make appointments to the Sports Commission.

Commissioner Jacobs stated that there were many applicants and that people were really excited for the Sports Commission; members of the public that wanted to participate were encouraged to do so through the Citizens Advisory Committee.

Michelle Parker-Evans, Clerk to the Board, distributed ballots to the Board. Attorney Siler stated that the Board made the following appointments. Individuals listed in bold print were appointed.

Sports Commission

John (Tommy) Hunt (Howerton, Jacobs, Reckhow)

Ingrid Wicker McCree (Foster, Jacobs, Reckhow)

Michael Patterson (Foster, Page)

James D. Williams (Howerton, Page)

Angela Harris (Reckhow)

Hanif Omar (Jacobs)

Dwight Perry (Foster, Howerton, Page)

Attorney Siler requested that the Chair pick names from a hat in order to determine who would receive which term since those appointed all received three votes each; below is the order that was chosen at random.

- John (Tommy) Hunt: 3-year term
- Dwight Perry: 2-year term
- Ingrid Wicker McCree: 1-year term

16-1104 Discussion of Proposed Naming and Re-Naming Policy

The Board was requested to review the attached proposed Naming and Re-Naming Policy and to make definite preliminary decisions which would enable Staff to draft a final proposed rendition for later consideration and approval.

Attorney Siler discussed the current status of the draft and asked that the Board answer each of the six (6) questions included in a memo sent to them. Questions are shown below in italics.

Question (4) was discussed first and a Board majority decided to replace the word “facilities” in each question with the word “features” to better reflect the fact that naming was to be limited to areas within a facility in the Naming Policy.

1. *May ~~facilities~~ features be named after living individuals?*
 - Chairman Page, Vice Chair Howerton, and Commissioner Jacobs answered “yes, but with criteria to be developed.” The criteria related to this matter included an applicant providing a substantial financial contribution to the County.
 - Commissioner Foster and Commissioner Reckhow answered “yes.”
2. *May ~~facilities~~ features be named after deceased individuals only?*

The Commissioners unanimously answered “no.”
3. *May ~~facilities~~ features be named after both living and deceased individuals?*

The Commissioners unanimously answered “yes.”
4. *Should naming be limited to areas within a facility and not the entire facility?*
 - Commissioner Foster believed that a building should be able to be named.
 - Vice Chair Howerton, Commissioner Jacobs, and Commissioner Reckhow believed naming should be limited to areas within a facility; that the County buildings, only the features and areas inside of buildings. Commissioner Reckhow felt that the Naming Policy should not include the ability to name parks.
5. *Should there be some passing of time before a ~~facility~~ feature can be renamed? If so, how long?*

The Commissioners unanimously answered “no.”
6. *Can a name ever be revoked? If so, under what conditions or circumstances?*

The Commissioners unanimously answered “yes.”

Commissioner Reckhow felt that the Naming Policy should not include the ability to name features linked to certain types of buildings, such as the Justice Center. Facilities under the category of recreational or cultural such as the Library, a park, or the Stadium were more appropriate to have their features named.

Vice Chair Howerton requested that a fact-filled editorial from the Board be sent to the newspapers regarding the school portion of the bond referendum because they had recently published inaccurate information. Commissioner Reckhow recommended to instead have the Manager write a letter to the superintendent outlining the Board's position on the issue as well as requesting exact costs for the various projects—this letter would then be released to the press.

Directive:

- **Manager to write a letter to the DPS superintendent outlining the Board's position on the bond issue as well as requesting exact costs for the various projects— release this letter to the press as well.**

16-1086 Interlocal Agreement with City of Durham for Recyclable Material Processing

The Board was requested to review and consider an Interlocal Agreement (ILA) with the City of Durham for them to provide recyclable material processing and transportation services. Specifically, the household recyclable materials collected as part of the County's roadside recycling program would be delivered by Durham County's Recycling Contractor to the City's Transfer Station to be processed and hauled to Sonoco's Raleigh Materials Recovery Facility (MRF). The City of Durham proposed to charge the County a recycling tipping fee of \$18.13 per ton to commence at a mutually agreed upon date until June 30, 2016 and from July 1, 2016 through June 30, 2017. The ILA would automatically renew each year unless specifically terminated by either party, though annual budgets would still need to be approved by the City and the County elected boards. This request was due in large part to the downturn in China's economy and sinking oil prices which dramatically impacted global commodity prices for household recyclables. The current market conditions forced recycling processors, like Sonoco Recycling, to charge governments throughout the United States for processing recyclables that historically provided a source of revenue.

Commissioner Reckhow questioned whether the recycling tipping fee of \$18.13 per ton that the City was charging was the most reasonable price the County would receive. Brian S. Haynesworth, Solid Waste Program Manager, confirmed that it was.

Commissioner Jacobs asked if the County had the opportunity to better educate citizens regarding solid waste collection and reducing contamination rates so that the County could avoid being penalized. Mr. Haynesworth stated that the County would have to do that because the recycling industry had largely changed over the years; the belief from the 1970s and 1980s about recycling paying for itself was no longer valid. Commissioner Jacobs wondered how the fee that the County was going to charge people would be impacted. Mr. Haynesworth stated that when it was originally calculated the County had not yet engaged the City, but now there would possibly be slight reductions; they would be in communication with the Budget office to determine how much of a reduction in the fee they could have. Motiryo Keambiroiro, Director of General Services, clarified that the fee was increasing, but not increasing as much as previously believed.

Note: The Board did not discuss the Board of Elections agenda item discussed in the earlier motion.

16-1101 Closed Session

The Board was requested to adjourn to Closed Session pursuant to G.S. 143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease;

pursuant to G.S. 143-318.11 (a)(6) to 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; and

pursuant to G.S. 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege.

Commissioner Foster moved, seconded by Commissioner Reckhow that the Board adjourn into Closed Session.

The motion carried unanimously.

Reconvene from Closed Session

The Chair announced that the Board met in Closed Session and direction was given to staff.

Commissioner Reckhow moved, seconded by Commissioner Foster to set the salary for Sharon Davis, the Register of Deeds, at \$87,500 retroactive to the date of her appointment.

The motion carried unanimously.

16-1066 Judicial Parking Deck Operations

This item was deferred until the August Worksession.

Adjournment

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

The motion carried unanimously.

Respectfully submitted,

Tania De Los Santos
Administrative Assistant