

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

Monday, February 6, 2012

9:00 A.M. Worksession

**MINUTES**

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Brenda A. Howerton, and Pam Karriker

Absent: None

Presider: Chairman Page

Chairman Page announced that Vice Chairman Reckhow would arrive late.

**Citizen Comments**

The Board of County Commissioners provided a 30-minute comment period at the beginning of the Worksession to allow any citizen of Durham County the opportunity to speak.

Vivian McCoy voiced her concerns in regards to a charter school in the Brier Creek area of Wake County. She asked that the Board reconsider the plan.

James Chavis Jr. also addressed the Board regarding the Brier Creek Charter School. In addition, he informed the Commissioners about a public school forum requesting Durham Public Schools (DPS) to place a middle school in Northeast Central Durham. The forum would be held April 21 at 9:30 a.m. at Holton Career & Resource Center. He encouraged the Board to attend.

Ralph McKinney spoke to the Commissioners about various issues.

County Manager Ruffin provided an explanation in regards to the charter schools. He clarified that the applications to establish charter schools are approved by the State Board of Education not the elected Board of Education in Durham or the County Commissioners. He also explained the per pupil expense.

**Removal of a Board Member Due to Poor Attendance**

On March 23, 2011, the Board of County Commissioners appointed Chandra Banner to serve a full term on the Durham County Transportation Advisory Board. Based on information from Margaret Scully, Liaison, Transportation Advisory Board, Ms. Banner has failed to comply with

the Policy and Procedures for Appointments to the County Boards, Commissions, Committees or Authorities, set forth by the County Commissioners.

The Policy and Procedures for Appointments to the County Boards, Commissions, Committees or Authorities states, *“If an appointee has absences (excused or unexcused) which constitute more than 50% of the meetings in any calendar year, he or she is obligated to resign.”*

The Clerk to the Board has attempted to contact Ms. Banner via telephone, courier mail, and email to request her resignation.

Commissioner Howerton moved, seconded by Commissioner Karriker to suspend the rules.

The motion carried 4 – 0.

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Commissioner Howerton moved, seconded by Commissioner Karriker to remove Chandra Banner from the Transportation Advisory Board.

The motion carried 4 – 0.

### **Consent Agenda**

Commissioner Howerton moved, seconded by Commissioner Karriker to suspend the rules.

The motion carried 4 – 0.

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Commissioner Howerton moved, seconded Commissioner Karriker to approve the following consent agenda items.

The motion carried 4 – 0.

- a. Authorize the County Manager to execute the Utility Contracts for these additions to the County sanitary sewer system;
- b. Amend the contract with Tax Management Associates, Inc. for property value discoveries and approve Budget Ordinance Amendment No. 12BCC000048 in the amount of \$60,000. Payment is made to TMA only after the County has collected the tax, at a rate of 30% of the amount collected. There is no additional cost to the County whereas this fee is deducted from new revenue collected;
- c. Approve the contract with Causeway Data Communication LTD, in the amount of \$75,150 to provide Spatialest software to aid in real property assessments;

- d. Amend the contract with Braken LLC for the Business Listing Project in the amount of \$68,400;
- e. Set the filing fee for Board of County Commissioners as recommended by Human Resources;
- f. Set the salary and filing fee for Register of Deeds as recommended by Human Resources.

Per Commissioner Howerton's request, Kim Simpson, Tax Administrator, provided additional information regarding Spatialest software.

Commissioner Bowser was excused due to a family emergency.

### **NC 54/I-40 Corridor Study Presentation**

Leta Huntsinger, City of Durham/DCHC MPO, led the presentation. She stated that the Board requested to receive a presentation on the NC 54/I-40 Corridor Study. The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) in 2009 designated federal funds towards a study of the NC 54 corridor between Durham and Chapel Hill. The purpose of the study is to analyze land use and transportation issues, evaluate opportunities and challenges for future development in the corridor, and recommend short and long-range solutions and strategies.

August 2010 marked the beginning of a six-month public review process for the draft report and recommendations. The outcome of that public review process was a second phase of analysis to address key concerns. The draft report documenting the revised recommendations is now available for public review and comment. The study effort was guided by a technical steering committee and public input.

Ms. Huntsinger highlighted the following:

- Land Use – Transportation Vision
- Project History
- Study Area
- Public Involvement—What we heard from Phase I – Key Issues
- Overview of Study Refinements
- Land Use Concept
- Park-and-Ride Strategy
- Transit Recommendations
- Light Rail
- Bicycle & Pedestrian Recommendations
- Roadway Recommendations
- Next Steps

Mark Ahrendson and Ms. Huntsinger responded to questions posed by the Board.

### **Gang Reduction Strategy Update**

Gudrun Parmer, Director, CJRC, introduced this item stating that the Board requested to hear an update on the efforts of Durham's Gang Reduction Strategy (GRS). She explained that the GRS developed as a response to recommendations from the Comprehensive Gang Assessment jointly commissioned by the City and the County, and completed in November 2007. The Assessment highlighted the need for a coordinated approach that includes prevention, intervention and suppression strategies to reduce criminal activity committed by gang members. In 2011, a Steering Committee was established and a Gang Reduction Manager position was funded jointly by the City and the County in fiscal year 2012, to support the work of the committee and to facilitate the implementation of the recommendations from the assessment.

The Steering Committee met throughout 2011 and discussed a range of activities and initiatives in the areas of prevention, intervention and suppression. Methods are in place to measure progress achieved by the various initiatives and to report this progress back to the community.

Jim Stuit, Gang Reduction Manager, Criminal Justice Resource Center, presented the following:

- ✓ Time Line
- ✓ Comprehensive Anti-Gang Initiative (CAGI)
- ✓ Steering Committee/GRS Manager
- ✓ Current Status (success and challenges in prevention, intervention, and suppression)
- ✓ Statistics of interest to the Steering Committee
- ✓ 2012 and Beyond

The Board expressed frustrations regarding problems in the community.

Staff alerted the Board that this update would also be presented to the members of Durham City Council.

#### **Directives**

1. Consider additional strategies to see more of an impact.
2. Determine other avenues regarding ways to inform citizens on the progress being made.
3. Consider a citizen-based gang strategy committee.

### **Request to Receive Update on Proposed Merger Agreement Between The Durham Center and Wake County LME**

Ellen S. Holliman, Area Director, The Durham Center, presented this item. She notified the Board that the Durham Center and the Wake County LME, with input from their governing bodies and other representatives of their respective County governments, are working to finalize a proposed Agreement for their merger addressing key provisions including:

- Separation of The Durham Center from Durham County Government and dissolution of the Wake County LME, allowing the formation of a new multi-county LME under the provisions of NC General Statute 122C.
- Start-up funds for facilities, IT systems, staffing, etc. based on the Seven-Year Pro Forma previously submitted, with funds totaling \$8,000,000 to be provided in equal parts – \$4,000,000 each by Durham and Wake County Governments. These funds would be repaid by the Managed Care Organization (MCO) created by the merged LME at an interest rate of 1% over a five-year period.
- A new MCO Board comprised of eight members initially appointed by the Durham Board of County Commissioners, six by the Wake Board and two by the MCO Board.

Ms. Holliman discussed the following:

- Waiver Background
- Waiver Goals
- Timeline
- Merger Rationale
- Update on Merger Process
- Imperial Park
- Staffing Strategy
- Proposed Merger Terms
- Current LME Governance
- Proposed MCO Board
- Next Steps Timeline

Ms. Holliman responded to several questions and concerns pertaining to the merger agreement.

County Manager Ruffin replied to Vice-Chairman Reckhow's inquiry regarding a proviso related to the terms not being met.

#### Directive

1. Make the necessary amendments as directed by the Commissioners.
2. Forward a letter to David King, CEO and General Manager of Triangle Transit, to receive a response regarding an email received by Chairman Page.

#### **Falls Lake and Jordan Lake Rules Compliance Update**

Drew Cummings, Assistant County Manager, introduced this item stating that both the Falls Lake Rules and Jordan Lake Rules are now fully transitioned into their respective compliance phases. Compliance with these two sets of rules is requiring additional work from a number of County departments, particularly Soil & Water Conservation, Engineering, and the Environmental Health Division of the Public Health Department. He updated the Commissioners on the following:

- Efforts to ensure Durham County's compliance with the rules;

- What the future of compliance holds or may hold for Durham County and its residents; and
- What opportunities there may be for uniting our regulation of these two watersheds in ways that would simplify compliance for residents and businesses alike as well as increase the likelihood of our achieving the desired reductions in nutrient loading?

Mr. Cummings continued the presentation as follows:

- How Durham County is divided
- Timeframes and Estimated Costs
- Departmental Responsibilities
- Septic/Sandfilter Systems
- New Development Ordinances
- Watershed Line Locations
- Fertilizer Rule (Jordan)
- Agriculture/Livestock

Robert Brown, Director, Div. of Environmental Health (Durham County Public Health Dept.), discussed expanding programs to reduce onsite wastewater loading to Falls.

Eddie Culberson, Director of Soil & Water Conservation, made comments about the Ag Operator Registration.

#### Directive

Staff to contact DENR to determine whether extra credit would be received by expanding buffers.

#### **Ban the Box Update**

Daryl V. Atkinson, Attorney at Law, Durham Second Chance Alliance, introduced this item. He stated that Durham Second Chance Alliance is a coalition of advocacy organizations, service providers, faith-based organizations, and community leaders that have come together to promote the safe and successful reintegration of adults and juveniles returning from incarceration by promoting policies that remove barriers to productive citizenship. Its latest initiative is “Ban the Box,” a movement to remove questions about criminal records from the initial employment application so that individuals with criminal records have more opportunities to be evaluated based upon all of their skills and qualifications, not just their criminal record.

Attorney Atkinson noted that the County agreed in 2010 to investigate the implementation of a “Ban the Box” initiative to encourage increased employment of ex-offenders. The County’s employment application was amended, and a policy to further advance the initiative has been finalized. He asked that the Board revisit the issue to determine which avenue would be used to adopt the piece of legislature. He gave his reasons for choosing an ordinance over a policy.

Attorney Atkinson suggested that a memorandum be prepared and submitted to The School of Government to have the legal questions answered.

County Attorney Siler explained his position regarding ordinance versus policy. He expressed concerns regarding the development on of an ordinance into something that would be applicable to other vendors.

The Board and staff held a lengthy discussion regarding the following:

- Statutory authority to enact an ordinance
- Accountability & visibility
- Damages and liability
- Reporting

#### Directives

1. County Attorney Siler and Attorney Atkinson to have discussions regarding litigation concerns and bring response to the Board
2. Bring a draft policy back to the Board at the April Worksession

#### **Closed Session – Lunch**

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow to adjourn to closed session pursuant to G.S. 143.318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege.

The motion carried 4 – 0.

#### **Reconvene from Closed Session**

Chairman Page announced that the Board met in closed session; direction was given to staff.

#### **Strategic Plan Update**

Michael Davis, Assistant to the County Manager, introduced this item stating that the Board requested to hear an update of the County's Strategic Planning Process. The County Manager's Office continues to seek the input of the Board of County Commissioners in helping craft a meaningful Strategic Plan. He provided the following key developments for January:

- The BOCC was briefed on the draft of the plan through individual input sessions.
- Department heads met and provided suggestions and various input on the draft plan.
- The Plan Development Team met weekly throughout January to continue to refine the plan document.

Mr. Davis discussed the following:

- Overview
- Strategic Planning Timeline

- Strategic Planning Structure
- Direction Setting Team
- Plan Development Team
- Communication Team
- Strategic Planning Information Gathering
- Framing the Process
- Mission & Vision Statements
- Products & Services
- Customers
- Core Values
- Plan Elements
  - Goals
  - Objectives
  - Measures
  - Initiatives
- Implementation
- Next Steps

Mr. Davis announced that after the Worksession, the Strategic Plan would go before the Board on Consent Agenda on Feb. 13 for official adoption. Implementation of the plan officially begins in late February with a two-day session led by Zelos, Inc.

#### Directives

1. Revisit Goals Two & Three as directed by the Board
2. Make the necessary changes per the Board's request.
3. Place on the February 13 agenda as a Regular Item.

#### **Update on Opening Doors (formerly Ten Year Plan) and Activities of the Homeless Services Advisory Committee**

Drew Cummings, Assistant County Manager, presented this item. He stated that the Board of County Commissioners requested to receive an update on the new Opening Doors (formerly Ten Year Plan to End Chronic Homelessness) and the activities of Homeless Service Advisory Committee. The Ten Year Plan to End Chronic Homelessness was re-branded "Opening Doors" following the federal lead on this issue. Based on a proposal accepted by the City Council and County Commission in the spring of 2011, a 19 member Homeless Service Advisory Committee was formed over the summer of 2011 and has been meeting since early fall. The HSAC has not always been able to move forward by consensus, but is moving forward nevertheless on a number of important fronts.

Reginald Johnson, Interim Director, Department of Community Development, made comments regarding Homeless Services Advisory Committee's concerns.



### **Durham County Courthouse and Parking Structure – Artwall Update**

Glen Whisler, P.E., County Engineer, County Engineering Department, introduced this item stating that the Board is requested to receive an update on the art wall for the new Durham County Courthouse currently under construction and scheduled for completion in late 2012.

Mr. Whisler acknowledged an important element of the building. The art wall in the main entrance lobby area would contain historic photographs of Durham with an emphasis on those related to the courthouse and judicial system. The digital representation of the images would form a photo mosaic art piece for the atrium/lobby of the new Durham County Courthouse. The photo mosaic would be a large picture of the Historic Courthouse made up of a montage of smaller images of prominent and historically significant Durham events, people and places related to justice in Durham. The concept was previously shared with the Board of County Commissioners during the November 2, 2009 Worksession.

In consultation with the Manager's Office, a committee was established for selecting the images received from various sources.

Tim Hillhouse, AIA, O'Brien/Atkins Associates, P.A., discussed the following:

- Courthouse Art Programs
- Location
- Design
- Image Categories

The Board thanked staff for the presentation.

### **Board Directives**

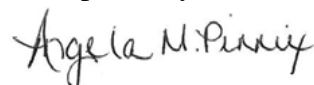
Michael Davis, Assistant to the County Manager, introduced this item. He stated that the Board requested to review the previous month's directives for staff and make comments as necessary. This set of directives covers October, November and December of 2011 and January 2012.

The Board thanked Mr. Davis for the directives.

### **Adjournment**

There being no further business, Chairman Page adjourned the meeting at 4:09 p.m.

Respectfully Submitted,



Angela M. Pinnix  
Administrative Assistant  
Clerk to the Board's Office