

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

Monday, February 7, 2011

9:00 A.M. Work session

**MINUTES**

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

Present: Vice-Chairman Ellen W. Reckhow and Commissioners Becky M. Heron,  
Joe W. Bowser (left at 2:04 p.m.) and Brenda A. Howerton

Absent: Chairman Michael D. Page

Presider: Vice-Chairman Reckhow

**Citizen Comments**

The Board of County Commissioners provided a 30-minute comment period at the beginning of the Work session meeting to allow any citizen of Durham County to speak. The Board may direct staff to research and reply to the concerns, if appropriate.

Victoria Peterson shared concerns with the Board about other training programs Triangle Citizens Rebuilding Communities and Fibert to the World. She voiced her opinion regarding the lack of African-American companies being offered to spearhead any Information Technology projects within the City, County, and Durham Public Schools.

**Directives**

County Manager Ruffin to review Ms. Peterson's concerns and advise the Board on how to be more receptive to local hires.

**Board Education: The Durham Center Documentary**

Ellen Holliman, The Durham Center Area Director, introduced this item as the first of a new standing feature to be a part of each County Commissioner Work session. She stated that the purpose of the monthly feature is to provide information and education about County Departments and functions.

Ms. Holliman shared a new short documentary film produced by the North Carolina Division of Mental Health, Developmental Disabilities and Substance Abuse Services called "Guided by Science, Grounded in Practice". The documentary highlighted successful evidence-based services being provided through the public system in North Carolina, including Wellness Management and Recovery, a Durham program designed to help individuals with serious mental illness collaborate with professionals and cope effectively with their symptoms. It also highlighted the North Carolina-START program, for which The Durham Center is the lead LME for the Central Region of North Carolina.

Ms. Holliman entertained questions posed by the Board.

#### Directives

1. Like to see more advertisement in the community.
2. Place the documentary on the Durham Channel.

#### The Durham Center-Update

Ellen Holliman, The Durham Center Area Director, presented this item. She stated that in past years, Durham County has had a history of high rate of admission of individuals with behavioral health disorders (defined as either mental illness, substance abuse, or both) to community emergency departments.

Ms. Holliman highlighted that from Fiscal Year 2008 to the present, the rate for Durham County has been lower than the state average and continues to trend downward. With Durham's rate continuing to decrease while the state wide rate is increasing, The Durham Center currently ranks among the lowest compared to the other LMEs for all disability groups.

Ms. Holliman shared and analyzed the following data as required by North Carolina General Statute:

- Background
- Why is this a Problem?
- Durham BH Admission to ED
- Behavioral Health Visit to ED
- MH Visit to ED
- SA Visit to ED
- DD Visit to ED
- State Hospital Admissions
- Durham Admission to State Hospital
- Durham Jail Admissions/Screenings
- Strategic Initiatives
- Conclusions

Ms. Holliman responded to questions asked by the Board.

#### Position Adjustment: SAMHSA Grant Project

In the original budget and staffing request to the BOCC on October 11, 2010, a request was made for a part-time Technical Assistance Coordinator and a part-time Social Marketing Coordinator as required by the Substance Abuse Mental Health Service Administration (SAMHSA) for the BECOMING project management staff.

After participating in orientation webinars regarding the planning and implementation requirements of the grant and in consultation with the SAMHSA Federal Project Officer and national Technical Assistance Officer, staff requested an adjustment to the part-time status of these positions to fulltime.

The adjustment for the Technical Assistance Coordinator would be advantageous due to the extensive training we have proposed in the grant which accounts for a significant percentage of our in-kind match from community partners, and the Social Marketing Coordinator for the project would have multi-faceted and time-consuming responsibilities.

There would not be a budget impact for the increased time of either position due to unspent funds this year and carryover funds in subsequent years. No County dollars are involved.

Commissioner Howerton moved, seconded by Commissioner Heron, to suspend the rules

The motion carried with the following vote:

Ayes: Bowser, Heron, Howerton, and Reckhow  
Noes: None  
Absent: Page

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Commissioner Howerton moved, seconded by Commissioner Bowser, to approve increasing the two above named positions from part-time to full-time.

The motion carried with the following vote:

Ayes: Bowser, Heron, Howerton, and Reckhow  
Noes: None  
Absent: Page

### **Public Health And Partnership For A Healthy Durham Presentation: 2009 Durham County Youth Risk Behavior Survey Results**

Gayle Harris, Public Health Director, introduced the item. She stated that the Board is requested to receive an update from the Health Department and the results of the 2009 Youth Risk Behavior Survey. This survey was administered to 949 middle and high school students in Durham Public Schools. Students answered questions about their behaviors contributing to unintentional and intentional injuries, substance use, sexual behaviors, dietary habits, and physical activity. Significant results from this survey would be presented.

Mel Downey-Piper, Partnership for a Healthy Durham Coordinator, discussed the following:

- YRBS Background
- Durham County sample
- YRBS limitations & benefits
- Middle School Results
- High School Results

The Board and staff held a discussion regarding physical activity in the schools and after school activities.

The Board thanked Ms. Harris and staff for their presentation.

#### Directive

Considers sharing the information with the principals.

#### **Ban the Box for a Second Chance**

Daryl V. Atkinson, Attorney at Law, Durham Second Chance Alliance, introduced this item. He explained that the 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.

Mr. Atkinson conferred the following:

- What is "Ban the Box"?
- Why is it important?
- Why does "Ban the Box" matter to our communities?
- What would the policy accomplish?
- How does "Ban the Box" fit in with other reentry efforts in N.C.?
- Notable examples from other cities and states.

Ms. Nancy Dickenson and Mr. George Robinson provide testimony regarding their situations.

County Attorney Siler provided legal advice regarding "Ban the Box".

Vice-Chairman Reckhow recognized Reverend Melvin Whitley to make comments regarding matter.

The Board held a discussion as it relates to "Ban the Box".

#### Directive

County Manager Ruffin and County Attorney Siler to work with the City and bring back to the Board advice in terms of the legality proceedings and how to proceed in order to adopt a policy or ordinance.

#### **Durham Public Schools – Purchase of Property for New High School 'A'**

Hugh Osteen, Assistant Superintendent of Operational Services, presented this item stating, that on June 17, 2010, the Board of Education approved the selection and purchase of real property for New High School 'A'. The property is located at 2900 Duke Homestead Road, currently owned by Duke University. The proposed site is approximately 58 acres in the eastern portion of

the 93+ acre tract. This school project is funded by the 2007 Bond including land acquisition, design, and construction.

On January 28, 2011, the Board of Education approved a request to put the design and construction of New High School 'A' on hold until a detailed review of capital needs and funding for the next several years can be completed. The Board agreed that the purchase of the Duke Homestead property should be completed upon County Commissioner's approval.

The Board of Education sought the County's approval of the purchase price. The purchase price negotiated with Duke University is \$4,100,000. This price is based on a combination of the cost of land and Duke's cost to relocate existing facilities. An MAI appraisal was performed.

The Board of Education reviewed its analysis and due diligence information and presented this to the Commissioners.

Per Commissioner Bowser's request, discussions regarding this item were written verbatim:

Hugh Osteen: Good Morning, Commissioners! The Board of Education brings this item before you. I'm Hugh Osteen, Assistant Superintendent of Operational Services. This is Tim Carr, Construction & Capital Planning Program Director for Durham Public Schools. The item we have before you is something that the Board has approved in June for the purchase of property for New High School "A". This is part of our 2007 bond referendum. We are here today to ask for your approval for the purchase price. We have looked and I'm sure you're familiar with some of the new reports and studies we've done for a number of parcels on the western side of the County. We have primarily looked between the River side High School and Jordan High School areas because that is the main target of this project was to relieve overcrowding in that area. If you look at the handout, there was one left at your places, there are three sheets, two slides per sheet. We have done our due diligence on this and many other parcels looking at environmental issues, road work, feasibility studies, and schematic plans and we'll share more about the plan in just a moment. If you look at the second slide on the first page you'll see that the location we are talking about is Duke Homestead Road and Stadium Drive this is right near the intersection of Carver Street. The seller is Duke University. We are purchasing 58 acres; it is part of a larger parcel about 93 acres. The price is \$4.1 million, and I will tell you about how that is made up. If you look at the second page, there are two slides on that page as well. At first, we had an appraisal done on the property; this was done by David Smith here locally. This was a MAI certified appraisal, the approximate value was \$44,000 per acre; this would mean a value for the land at \$2,552,000. We actually offered much less expecting a discount over \$500,000; we offered \$2 million for that value. If you look at the bottom slide of that page, you'll see we had an appraisal done by flat architects who are specialists in university work and what it would take for the sell to relocate and rebuild some of the facilities that they have there, and they estimated it to be between \$2.1 and \$3.1 million to do so. Again, we offered on the low end,

the lowest value possible and that was the \$2.1 million. So if you turn to the third page of the handout and look at the top slide, you will see the purchase price for the land and facility replacement the total of those two lower values that we offer at and that was \$4.1 million. We have had a conversation with the Manager about future capital needs, future issues. We've had some issues changing since the 2007 bond was passed our superintendent has talked about it, and the Board of Education has had an open discussion about it. In fact, they're currently going to be debating whether or not to move forward with the construction of the high school as soon as we intended to and that debate would go on for the next few months. However, they have decided to go forward with the purchase of the land. We also have a demographic consultant that specializes in our land search as well as our growth in patterns and they recommend that we purchase the property as well. I am going to ask Mr. Carr if he would point out real quickly, I know that we're short on time, a few of the features to make sure you know where the property is and some of the issues we've dealt with... Mr. Carr.

Tim Carr: Thank you Mr. Osteen, I think you can hear me okay. This represents a central plan of the high school to meet 800 students with the ability with the ability to grow to 1200 students. This is Stadium Drive here and West Carver Street just north which is the next major intersection. Duke Homestead Road where the existing entrance to the facility is located. This is approximately 58 acres. This entrance would be used for drop off and this entrance would be used for students to park and the entrance in the service drive is for buses, service vehicles, and additional staff parking. The footprint of the building is shown with the full build out even though we would just start with 800 students. These fields are practice fields... this is a football practice field. This particular school would use Memorial Stadium for its football games and a softball field and a baseball field. We know that there are some wetlands that this design has, but we've gone through all of the reviews with the U.S Army Corp of Engineers and the Division of Water Quality as well.

Hugh Osteen: That this is keeping within our programmatic size for the high school site. We are still building multi-story; in fact, our design at this point which is just going to be carried through DD Development Design is going to be a three-story building so we are trying to be more compact even though we are under the 60 acres we normally go for. We have also been very protective with the schematic layout regarding the environment and the wetlands that are there. We have checked everything out there is no endangered species to worry about either plants or animals. We really feel like our due diligence is done well you probably have been familiar to this site an empty site. Very few places in City limits that you can find land this size. This is kind of a catch for us and even though we have gone through several search areas this is the best available parcel for future needs for a high school in Durham and with that we seek your approval for the purchase price.

Vice-Chairman

Reckhow: Joe, do you have any questions?

Commissioner

Bowser: Yes, I do. If we made a straight line from this property to Riverside, how far would it be from it?

Hugh Osteen: I don't know that I could quote the miles for it. It lays within the Riverside School District. If you look between the Riverside district and the Jordan district, this one is above the line between the two, so it is in the Riverside district.

Commissioner

Bowser: Where is the population at that would substantiate two high schools within two miles of each other?

Hugh Osteen: Where it's located in terms of address or are you just talking about... there are... at one time we had just 2,000 in the Riverside district... we had 500 over the building's capacity. Now, it's about 1,800 so we're about 300 over. Jordan is about 100 or more. At one time it was about 300 over, so we had enough seats, enough extra students to fill the capacity of a high school right off the bat. That has changed a little bit, that is why I mentioned the issue about us having to reconsidering whether or not to pay so the construction would follow suit. At this point, we are looking to buy the land.

Commissioner

Bowser: The land you purchased outpassed Southpoint, was that for a high school?

Hugh Osteen: No, sir. Actually, it came before this Board and this Board very definitively directed us to build one school only preferably an elementary school at Scott King Road. We purchased property just south of the road.

Commissioner

Bowser: Okay, the only this is 58 acres, why do you have to have so much?

Hugh Osteen: If you look at the property here, you see a lot of borders in green. You would also see wetlands, stormwater retention ponds because of the regulatory issues because of the natural topography and issues with the property. Fifty-eight acres at this site is the minimal requirement you can actually find yourself to have more property required if some of the features were worse than they are. Topography and issues here are better than most sites so this is the most appropriate size.

Commissioner

Bowser: The last question is the appraisal \$44,000 per acre. Have we looked at the real estate industry to see how much an acre is it? What the cost is for

property in conjunction with the homes that are sold out there? It seems to be high \$44,000 per acre in that area.

Hugh Osteen: Actually, I think we were fortunate that it appraised that low. To be frank, most of the properties we've looked at particularly, if they're internal at all, are much more than that. This works out to be about 70 an acre total when you add in the replacement cost, and we looked at property at Scott King Road and elsewhere which exceeded that amount for land and/or development.

Commissioner Bowser: We're talking about the Northern side that's really about built out. There's not a lot going on except Costco's.

Hugh Osteen: I would offer that there's a lot more reason that the land is quite invaluable. We are fortunate that we have it at the rate we do.

Commissioner Bowser: Yes, but you said it yourself... a lot of it is wetlands.

Hugh Osteen: Not a lot, just enough to make sure that we have to have 58 acres to make the property work. It's actually less than a lot of other sites.

Vice-Chairman Reckhow: Isn't it true that you've got a relatively flat parcel so your grading and whatever won't be that bad and the utilities are right there... you won't have to so you won't have to spend as much on utilities? The stadium was just improved... then nice improved road.

Hugh Osteen: Correct.

Commissioner Bowser: How much of this land would you use to actually put the school on?

Hugh Osteen: We would pretty much require every bit of what you see here. That's the 58 acres that's colored in, and so we'll utilize whether it's for buffer or green space everything would have its purpose.

Commissioner Bowser: That's not my question. The schools ask for the physical building and the activities support the.....

Hugh Osteen: About 60%.

Commissioner Heron: Have you all done any research on the impact that charter schools would have on the high school population because I understand that Voyager is planning to put a high school out there and maybe another one maybe over near Alston Avenue? I visited both of those schools. With the way the



legislature is going now with charter schools, at least what I'm reading, is that they are going to have a lot of support for charter schools and if Voyager builds its high schools and then the other one off of Alston Avenue builds some more onto what they already have out there where are all these students going to come from?

Hugh Osteen: You've raised a good question, and it is definitely a component that our Board would be considering as to whether or not to move forward with the construction. The land is a one-time deal that we don't feel like we could postpone.

Commissioner Heron: You're land banking?

Hugh Osteen: Essentially. Whether we are moving forward with it or not we're essentially making sure that this parcel is safe for Durham Public School's (DPS) future use. But you are right; we are definitely considering the charter school impact as well as many other issues.

Commissioner Heron: Because the way the legislature is going now, they're reopening the door wide open from what I've read about charter schools.

Commissioner Howerton: Given that I've read some place where there was a statement about not building schools right now and given that we don't know where our budgets are headed, I'm having difficulty understanding why we need to do this when we don't know where our budgets are headed. And you mentioned something about Superintendent Becoats discussing that budget with you, and we haven't talked about it as far as Commissioners. I'm not clear as to why we need to move on this right now when we are not clear about our budgets.

Hugh Osteen: That's a fair question. I think the issue is in real estate matters. Sometimes timing is everything...location...location...location is what we hear most of the time. In this case, it's timing with us and with Duke University the timing for them to sell land for us to purchase is important.

Commissioner Heron: What would happen if you get an option to purchase on the property, instead of going out buying it now?

Hugh Osteen: One of the factors should we choose to move forward with the construction if the components and the issues that we're dealing with tell us that a high school should move forward with construction then we'll be in bad shape without this land if we don't go ahead and purchase it. If we buy it and don't move forward with construction then we'll still be in good shape.

either way. The goal is to get the land at hand and not wait for that. That would protect DPS and this County and its future school needs.

Vice-Chairman

Reckhow: They've been looking for a site for a new high school for close to a good two years that I've known about it and they've looked at sites...you remember the sites, Becky, out on Erwin Road that had so many environmental issues. The problem is that there are so few good sites that this one is on a bus route, it is relatively flat, and the environmental issues are isolated just in one small section of the site. It's a very different ball game. I think they're right to land bank on this property.

Commissioner

Howerton: I don't have a problem with the schools; I have a question about our budgets.

Vice-Chairman

Reckhow: Well this isn't in the annual budget; this was voted on by the citizens of the county and on the 2007 bond. So its approved bond money. People of this county voted knowing that it was to provide a new high school facility. So, I think that at least land banking, the land makes a lot of sense.

Commissioner

Bowser: And I think the key is, Ellen, is that they voted for it knowing that we need a high school; we know we don't need a high school now and there's a possibility that the charter school proliferations that's going to happen, we may not need the ones that we have 10 years down the road. Furthermore, I think that the State has a provision in place whereby if a school needs property, then it can get that property. With the way it's going, spending this kind of money in front of the people just to purchase some land, I think is wrong and it's something that we need to think about before we bring it forward. Just because the people voted on it doesn't mean that we have to spend that money.

Commissioner

Heron: Well times were a little better. Joetoowhen we voted on it.

Commissioner

Bowser: Well that's what I'm saying. It appears to be a need for the school but we know that charter schools are going to pop up everywhere now and charter schools are going to take children out of DPS.

Commissioner

Howerton: Is there a time limit here? I just feel I rushed with this conversation that we're having right now. We're trying to get through with something because we have something set to move on to and rushing it.

Hugh Osteen: We have a contractual date to seek the Board of Commissioners to approve the price by the end of this month. And we'll be glad to bring more information to answer more questions, maybe on your agenda for Monday night.

Vice-Chairman

Reckhow: Why don't we do that? We'll put it on a regular item for February 14, not on consent, and that way we can have more discussion if need be. Thank you for coming.

Commissioner

Heron: I just finished going through the school audit, and the school system is in pretty good shape with fund balance and all that. So, what can they do to help us?

Hugh Osteen: I'll be glad to share that with our financial folks.

#### Directives

Place on the February 14 Regular Session.

#### **Proposed Change to Employment Application**

Marqueta Welton, Director of Human Resources, provided information to the Board on a recommended change to the County's employment application. She discussed the County's plan regarding the change to the application pertaining to convictions.

Ms. Welton reassured the Board that this decision does not preclude the County from conducting background checks. She proceeded to explain the process.

County Manager Ruffin added that there have been discussions held with Ms. Welton and Gudrun Parmer, CJRC Director, to work together to identify County positions. It was also requested that efforts be expanded to make the Re-entry Program a Durham County initiative to be able to hire more individuals that have been formally incarcerated as county employees.

Ms. Welton addressed the Commissioners' comments and concerns regarding the change.

#### **Discussion of Proposed Issues for 2011 Durham County Legislative Agenda**

The North Carolina General Assembly has convened the 2011 General Assembly Session in Raleigh. Following extensive collaboration with County department heads and other traditional legislative partners, several items were received as possible legislative proposals to be considered for inclusion in the final 2011 Durham County Legislative Agenda.

Deborah Craig-Ray, Assistant County Manager, and staff outlined and discussed the following items:

#### **Durham County Local Priority Goals**

- Seek legislation to establish a \$10 permit application fee in addition to the \$5.00 for each pistol permit issued.
- See legislation promoting utilization of 9-1-1 Centers by Protecting Confidentiality.
- Seek legislation to create Enhanced Protection for Victims and Witnesses.
- Seek legislation to levy a 1% Payroll Tax on Non-Durham Resident Workers.
- Seek legislation to provide revenue sharing between Durham, Durham County, Raleigh, and Wake County for sales at the Raleigh-Durham International Airport.

### Priority Goals

- Oppose shift of State transportation responsibility to counties.
- Reinstate ADM and Lottery Funds for school construction.
- Ensure adequate mental health funding.
- Preserve the existing local revenue base.
- Authorize local revenue options.

### Support Goals

- Support legislation to levy at least a \$1.00 increase in NC's Cigarette Tax
- Support the request for Authority to Develop a Durham Local Preference Program
- Support the request to increase the beer and wine license fees in Durham

The Board held discussions regarding the items on the legislative agenda.

### Directives

1. Make the necessary changes as directed by the Board.
2. County Manager Ruffin to research how much property tax relief would come as a result of the payroll tax for everyone that works in Durham.
3. Place on February 14 agenda.

### Amendment to County Parking Ordinance

Carol Hammett, Deputy County Attorney, presented this item. She stated that due to changes in various parking lots owned by the County, Section C Chapter 24, Article III of the Durham County Code of Ordinances regulating parking on County property need to be amended to include new lots, better describe the areas which have been changed as well as other recommended changes.

Ms. Hammett replied to the Board's inquiries.

### Directive

Place on the February 14 consent agenda.

### Falls Lake Update

Drew Cummings, Assistant County Manager, introduced this item. He stated that the Falls Lake Rules—a nutrient management strategy of unprecedented scope and stringency in North Carolina—went into effect on January 15, 2011. Some changes were made to them after the last update that the County Commissioners received, so the purpose of this agenda item is to provide an update on the rules and the implications they have for Durham County. Durham County and its local government neighbors in the Falls Watershed would need to begin compliance activities

and also participate in much broader lake and water years. The monitoring would be important not only requirements in the rules, but also for ensuring th adaptiveandrationalandmanageableaspossible.

shed monitoring programs in the coming for establishing compliance with Stage I at Stage II of the Falls Lake Rules are as

Mr.Cummingsemphasizedthefollowing:

- FallsLakeRulesUpdate
- Workingforthefuture(StageII/U.A.A.)
- Monitoringneeds(includingUNRBChanges)

Asnodirectivesweregiven,theBoardthankedMr. Cummingsandstafffortheupdate.

### **ReviewofJanuaryBOCCDirectives**

It was requested that at each month's Worksession, the opportunity to review the previous month's directives for staff. the Board of County Commissioners have

Given that the Commissioners had no comments, the Board expressed gratitude to staff for the directives.

### **Adjournment**

There being no further business, Vice-Chairman Reck how adjourned the meeting at 2:20 p.m.

Respectfully Submitted,

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