

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

Monday, September 9, 2013

7:00 P.M. Regular Session

**MINUTES**

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

Present: Chairman Fred Foster, Jr., Vice-Chair Brenda A. Howerton, and Commissioners Wendy Jacobs, Michael D. Page, and Ellen Reckhow

Absent: None

Presider: Chairman Foster

**Opening of Regular Session**—Chairman Foster asked everyone to join in the Pledge of Allegiance.

**Agenda Adjustments**

There were no adjustments to the agenda.

**Announcements**

Chairman Foster made the following announcements:

- "In Touch with Durham County," the Durham County Television show, airs daily on Cable TV Channel 8 at 10 a.m., 3:30 p.m. and 6:30 p.m. Our County Commissioners' meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
- Durham County needs you! If you have a few hours to commit, Durham County has a number of boards and commissions that can benefit from your participation. We invite you to make a difference in our community. Contact the Clerk's Office at 919-560-0025, visit the County's website, or email [Clerk@dconc.gov](mailto:Clerk@dconc.gov) for more information. Please note that all City and County taxes must be current at the time of application.
- The FY2013-2014 Matching Grant Program of the Durham Open Space and Trails Commission application process began on September 3, 2013. The grants are to assist nonprofit organizations in preserving open space lands and promoting new or improved recreational opportunities for citizens. All Durham community nonprofits interested in applying for FY2013-14 Matching Grant funds must submit an application by October 4, 2013. The Matching Grant Program application and FY 2013-14 Program Guidelines are available on the County's website. For additional information, please contact the Matching Grants Administrator, Bo Gattis, in the Budget and Management Services department at 560-0012;

- Durham County is pleased to announce that the effort to realize greater efficiency in the delivery of our Human Services is nearly complete. Next month, all Social Services offices will relocate from current locations at Main Street and Duke Street, to the new Durham County Human Services Building located at 414 E. Main Street. Please look for special announcements detailing specific move-in dates for various services. These will be available soon on our website, fliers, newspaper ads, signs and more.

### **Minutes**

Chairman Foster announced that minutes would be submitted for approval at the September 23, 2013 Regular Session Meeting of the Board.

### **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.

Ms. Victoria Peterson spoke about a Durham County resident who passed away in the Durham County Detention Center in 2012. Ms. Peterson expressed dissatisfaction with her inability to obtain records and reports regarding the citizen's death.

Mr. Lowell Siler, County Attorney, responded by stating that an initial response was issued by the legal counsel for the Sheriff's Department to Ms. Peterson regarding her concerns. He stated that the response in sum indicated that some of the information requested by Ms. Peterson may not be a public record, of which she would not be privy to. Attorney Siler concluded that the Sheriff's Department was issuing a response to Ms. Peterson's most recent records request correspondence.

Ms. Jacqueline Wagstaff expressed dissatisfaction with the Durham County Boards and Commissions appointment process. Ms. Wagstaff cited political and group affiliation as a determining factor in the appointment process.

Ms. Anita Keith Foust spoke about the recent delays in processing Food and Nutrition Services applications through the Department of Social Services.

Commissioner Jacobs noted that she was the Board representative for the Social Services Board. She clarified that the State of North Carolina implemented a new computer-based benefits program, NCFAS (North Carolina Families Accessing Services through Technology), which has resulted in processing delays across the state. She added that Mr. Michael Becketts, Social Services director was aware of the delays and that staff was attempting to make citizens aware of the delays and address their concerns as appropriate.

Demetrius Hunter and Anita Whitley introduced their non-profit organization, raindownus.org, to the Board. It is a health-oriented agency that provided information on breast health/cancer awareness and HIV/AIDS education.

### **Proclamation – Department of Public Health Centennial Anniversary**

Vice-Chair Howerton read the following proclamation into record:

DEPARTMENT OF PUBLIC HEALTH CENTENNIAL ANNIVERSARY

WHEREAS, a joint City-County Health Department was formed in 1913, spurred by a smallpox epidemic in 1912, making Durham one of the first counties in the State to provide organized Public Health services; and

WHEREAS, through the years, Public Health concerns have shaped the Department of Public Health's services, which originally focused on diseases and the health of women and children most affected by diseases; and

WHEREAS, to meet the needs of a changing and growing County, the Department of Public Health now focuses its resources on screening, treating and surveillance of communicable diseases, assuring access to clinical services up to the point of providing "safety net" services, managing chronic diseases through health promotion and wellness interventions that address lifestyle behaviors, and enforcing local and state Public Health and environmental health laws, rules, and regulations; and

WHEREAS, in order to fully begin to address the circumstances in which people are born, grow up, live, work, and age, as well as the systems put in place to deal with illness, the Department of Public Health is now engaged in addressing the social determinants of health, which are shaped by forces such as economics, social policies, and politics; and

WHEREAS, building relationships with the community medical providers is vital to transforming Durham from the *City of Medicine* into a *Community of Health*, the Department of Public Health, through The Partnership for a Healthy Durham, along with numerous others, continues to maintain existing and cultivate new partnerships to advance health issues in Durham County; and

WHEREAS, on April 14, 2011, the Department of Public Health moved into the first phase of the Durham County Human Services Building, ushering in a new chapter of service to the residents of Durham County, filled with new technology, innovation, creativity, and new possibilities; and

WHEREAS, to meet a legislative mandate that by July 2014, all local health departments in North Carolina be accredited by the North Carolina Local Health Department Accreditation Board, the Department of Public Health underwent its first accreditation site visit in April 2013, meeting all 41 benchmarks and 148 activities set forth.

NOW, THEREFORE, THE DURHAM COUNTY BOARD OF COMMISSIONERS, does hereby proclaim April 2013 through April 2014, as the:

DEPARTMENT OF PUBLIC HEALTH CENTENNIAL ANNIVERSARY

in Durham County and challenges its residents to recognize that for 100 years, Public Health has worked with the community to prevent disease, promote health, and protect the environment, and will continue to fulfill this mission for future generations.

This 9<sup>th</sup> day of September, 2013.

/s/Fred Foster, Jr.  
Fred Foster, Jr., Chair  
Durham Board of County Commissioners

Ms. Marqueta Welton, Deputy County Manager, commended the Public Health Department for doing an excellent job and meeting all the requirements for their recent accreditation. The Public Health Department received a score of 100 percent.

Ms. Gayle Harris, Public Health Director, thanked the Board for the recognition and for the support received. She commented that the Public Health Department continues to focus on one of the County's strategic goals, "Health and Well Being for All." Ms. Harris acknowledged Ms. Rebecca Freeman and Mr. Eric Ireland, Assistant Public Health Directors; and Mr. Eric Nickens, Communications and Information Manager.

**Resolution – Expanding Medicaid**

Commissioner Jacobs read the following resolution into record:

EXPAND MEDICAID

WHEREAS, Durham prides itself on being known as the City of Medicine; and

WHEREAS, nearly 18 percent of Durham County residents are estimated to be uninsured; and

WHEREAS, the Patient Protection and Affordable Care Act provides federal funding for states to expand Medicaid to all citizens earning less than 138 percent of the federal poverty level; and

WHEREAS, this Medicaid expansion would extend insurance coverage to more than 500,000 North Carolinians and save the state approximately \$65 million over ten years; and

WHEREAS, our state decision to not expand Medicaid means that some of our poorest citizens – especially adults without children with incomes below 100 percent of the federal poverty level – will go without coverage in 2014 because they are not be eligible for subsidies on the healthcare exchange or marketplace; and

WHEREAS, the Durham County Board of Commissioners believes all residents should have access to quality, affordable health coverage; and

NOW THEREFORE, BE IT RESOLVED, that we, the members of the Durham County Board of Commissioners do hereby urge the North Carolina General Assembly and the Governor to accept federal funds to expand Medicaid in North Carolina.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the members of Durham County's General Assembly delegation, Governor Pat McCrory, Thom Tillis, Speaker of the House and Phil Berger, President Pro Tem of the Senate.

This 9<sup>th</sup> day of September, 2013.

/s/ All Commissioners

Ms. Gayle Harris, Public Health Director, thanked the Board for the resolution. Ms. Harris introduced Sally Wilson, Executive Director of Project Access. She stated that it was imperative that Medicaid expansion be implemented to assist residents with minimal incomes who are without healthcare coverage. Ms. Harris assured the Board that efforts were being made to

inform citizens who are not eligible for Medicaid under the current guidelines of their options for insurance coverage and medical care.

Mr. Michael Becketts, Social Services Director discussed the collaboration between the Social Services and Public Health Departments to bring recognition to this issue at the state level.

Ms. Wilson stated for approximately five months, Project Access had been meeting with agencies in Durham County to plan education and outreach efforts regarding federal subsidies to purchase health insurance. She continued stating that Project Access would be partnering with Enroll America, to conduct outreach activities.

Ms. Harris concluded in saying that Lincoln Community Health Center received federal funding to hire staff to assist citizens with education and filling out applications. She stated that the staff would be stationed in various locations within the County, including the Department of Social Services building.

Commissioner Jacobs inquired as to the number of citizens who would still be without any access to healthcare. Mr. Becketts stated that there was conflicting information available, but that state officials advised that counties should prepare for an increase in the number of Medicaid recipients of 21.6 percent of the county's population.

Commissioner Reckhow suggested that a copy of the resolution be forwarded to the North Carolina Secretary of Health and Human Services.

### **Recognition of Durham County Sheriff's Office for Maintaining CALEA Accreditation**

Mr. Lee Worsley, Deputy County Manager, introduced the agenda item and congratulated the Sheriff's Office for successfully completing the reaccreditation process.

Sheriff Mike Andrews thanked the Board for the recognition. Sheriff Andrews introduced Lt. Kimberly Lane, Accreditation Manager and Chief Deputy Donald Ladd. He then discussed the accreditation process and several of the policies and procedures that have been revised to meet the current needs of staff and citizens.

### **Proclamation to Recognize Minority Enterprise Development Week October 7 – October 11, 2013**

Commissioner Page read the following proclamation into record:

#### MINORITY ENTERPRISE DEVELOPMENT WEEK

WHEREAS, it is the policy of the County of Durham that purchasing by the County and contracts with the County be open to all people and be free of discrimination on the basis of race and gender; and

WHEREAS, the Durham County Minority and Women Enterprise Ordinance Section 8-132 provides minorities and women equal opportunity to participate in all aspects of the County's contracting program, including, but not limited to, employment, construction projects, and/or materials and service contracts, consistent with law; and

WHEREAS, G.S. 143-128, provides for Good Faith Efforts to be made in an effort to ensure fair participation of minority and women business owners in all County projects; and

WHEREAS, it is further the policy of the County to conduct its contracting programs so as to prevent such discrimination, correct present discrimination and to resolve claims of such discrimination; and

WHEREAS, the County of Durham is a sponsor of the Minority Enterprise Development Week.

NOW THEREFORE, I Fred Foster, Jr., on behalf of the Board of County Commissioners of Durham County, hereby proclaim that October 7-11, 2013 is recognized as:

#### MINORITY ENTERPRISE DEVELOPMENT WEEK

in Durham County, North Carolina and encourages our citizens to remain mindful of the positive impact of minority and women owned businesses in our community.

This the 9<sup>th</sup> day of September, 2013.

/s/Fred Foster, Jr.  
Fred Foster, Jr., Chair  
Durham Board of County Commissioners

Ms. Pamela Gales, Assistant Purchasing Manager, thanked the Board for the recognition and their continued support. Ms. Gales noted that the event was hosted by the City of Durham, but Durham County was an active participant. She encouraged the Board and citizens to participate in the events scheduled for the week, which would be posted on the County website when the calendar was available. She reiterated the need to encourage minority and women businesses.

#### **County Attorney Lowell L. Siler Named 2013 Outstanding County Attorney of the Year**

Chairman Foster recognized Mr. Lowell Siler, County Attorney, for being named as the 2013 Outstanding County Attorney of the Year. Chairman Foster thanked Attorney Siler for his hard work and support.

Vice-Chair Howerton thanked Attorney Siler for his diligent work on behalf of Durham County. She commented that his statewide acknowledgement is a large accomplishment.

Commissioner Jacobs recounted the announcement of Attorney Siler's recognition at a recent event. She stated that it was a proud moment not only for the Attorney Siler, but for the County.

Commissioner Page extended congratulations to Attorney Siler.

Attorney Siler thanked the Board, the North Carolina Association of County Commissioners, and the North Carolina Association of County Attorneys for the recognition. He then acknowledged the staff in the County Attorney's Office for the excellent work performed each day.

#### **Consent Agenda**

Chairman Foster asked the Commissioners if they desired to pull any items from the Consent agenda.

Commissioners indicated that they did not wish to pull any items.

Commissioner Reckhow moved, seconded by Vice-Chair Howerton, to approve the following consent agenda items (11a, b and c):

- a. \*Approve Budget Ordinance Amendment No. 14BCC000013 to appropriate \$1,200 in funding from the National Endowment for the Humanities and The Gilder Lehrman Institute of American History in support the library's Humanities programming for the *Created Equal: America's Civil Right Struggle* project;
- b. Approve the Home and Community Care Block Grant Funding Plan as presented. Funding for the Plan has been incorporated into the Manager's proposed FY 2014 Budget);
- c. \*Approve Budget Ordinance Amendment No. 14BCC000014 for FY2014 amending the budgets for the outstanding encumbrances at fiscal year-end;

The motion carried unanimously.

\*Document(s) related to this item follow:

Consent Agenda Item No. a.

**DURHAM COUNTY, NORTH CAROLINA  
FY 2013-14 Budget Ordinance  
Amendment No. 14BCC000013**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2013-14 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Intergovernmental	\$52,156,339	\$1,200	\$52,157,539

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Culture and Recreation	\$11,186,648	\$1,200	\$11,187,848

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

This the 9<sup>th</sup> of September, 2013.

Consent Agenda Item No. c.

**DURHAM COUNTY, NORTH CAROLINA  
FY 2013-14 Budget Ordinance  
Amendment No. 14BCC000014**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2013-14 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Financing Sources	\$18,737,551	\$1,583,772.28	\$20,321,323.28
<u>RISK MANAGEMENT FUND</u>			
	\$3,440,111	\$138,956.04	\$3,579,067.04
<u>BENEFITS PLAN FUND</u>			
	\$19,414,926	\$1,960.00	\$19,416,886
<u>SEWER UTILITY FUND</u>			
Other Financing Sources	\$0	\$20,823.00	\$20,823.00

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
General Government	\$82,977,269	\$575,407.65	\$83,552,676.65
Public Safety	\$49,743,404	\$159,247.25	\$49,902,651.25
Environmental Protection	\$3,521,812	\$151,033.23	\$3,672,845.23
Economical and Physical Development	\$4,615,320	\$82,900.00	\$4,698,220.00
Human Services	\$83,997,112	\$611,894.40	\$84,609,006.40
Education	\$125,721,000	\$3,289.75	\$125,724,289.75
<u>RISK MANAGEMENT FUND</u>			
	\$3,440,111	\$138,956.04	\$5,579,067.04
<u>BENEFITS PLAN FUND</u>			
	\$19,414,926	\$1,960.00	\$19,416,886
<u>SEWER UTILITY FUND</u>			
Utilities	\$10,451,515	\$20,823.00	\$10,472,338.00

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

This the 9<sup>th</sup> of September, 2013.

**Public Hearing to Consider Allocating Economic Development Investment Funds to Purdue Pharmaceuticals**

Ms. Welton provided a brief background on Purdue Pharma Manufacturing L.P., as well as a detailed explanation of the company's plan for future business expansion. Ms. Welton provided information regarding the investment funds that were being proposed.

Chairman Foster opened the public hearing and recognized citizens who signed up to speak.

Mr. Ted Connor, Greater Durham Chamber of Commerce, provided remarks in support of the Board allocating economic development investment funds to Purdue Pharmaceuticals.



Ms. Casey Steinbacher, President and CEO of the Greater Durham Chamber of Commerce, provided remarks in support of economic development investment funds for Purdue Pharmaceuticals. She then reiterated several key components of the company's future business expansion and the importance of the investment funds.

Chairman Foster closed the public hearing.

Commissioner Reckhow expressed support for the allocation of the economic development investment funds and reiterated that Durham County is dedicated to training citizens in the area of biopharmaceutical manufacturing.

Commissioner Jacobs stated that the jobs that would be provided by the Purdue Pharmaceuticals business expansion are wanted and needed in Durham County.

Commissioner Page expressed his support of the proposed Purdue Pharmaceuticals business expansion project. He stated that one of the top priorities of the Board is to promote job growth within the community. Commissioner Page reiterated the importance of Durham Technical Community College and North Carolina Central University being involved in the project to train students and retain them following graduation.

Chairman Foster welcomed Purdue Pharmaceuticals to the Durham community.

Commissioner Reckhow moved, seconded by Vice-Chair Howerton, to approve allocating \$1,000,000.00 in economic development investment funds to Purdue Pharma Manufacturing L.P.; train local workers, and allow Durham citizens to secure jobs.

The motion carried unanimously.

### **Closed Session**

Commissioner Page moved, seconded by Commissioner Jacobs, to adjourn to Closed Session 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; pursuant to G. S. 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body; and pursuant to G.S. 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege and to discuss the case in the matter of Geraldine Robinson v. Joe Bowser et al.

The motion carried unanimously.

### **Reconvene to Open Session**

Chairman Foster announced that the Board met in closed session; directives were given to staff.

Chairman Foster stated that the Board agreed to award the Durham County Register of Deeds a 4.25 percent salary increase. The Board thanked the Register of Deeds for his excellent performance.

Commissioner Reckhow moved, seconded by Vice-Chair Howerton, to approve a 4.25 percent salary increase for Willie L. Covington, Register of Deeds.

The motion carried unanimously.

Vice-Chair Howerton requested to be excused from the Board of County Commissioners Regular Session meeting on September 23, 2013.

Commissioner Reckhow moved, seconded by Commissioner Jacobs, to excuse Commissioner Howerton from the Board of County Commissioners Regular Session meeting on September 23, 2013.

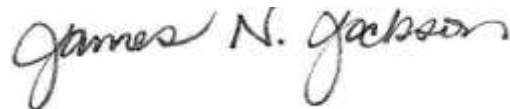
The motion carried unanimously.

### **Adjournment**

Commissioner Page moved, seconded by Commissioner Jacobs, to adjourn the regular session meeting.

The motion carried unanimously.

Respectfully Submitted,

A handwritten signature in black ink that reads "James N. Jackson". The signature is written in a cursive, flowing style.

James N. Jackson  
Deputy Clerk to the Board