

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

Monday, October 7, 2013

9:00 A.M. Worksession

AGENDA

1. Citizen Comments (30 min)

- 1) The Board of County Commissioners will provide a 30-minute comment period at the beginning of its Worksession meeting on the first Monday of each month. Any citizen of Durham County wishing to speak shall have an opportunity to do so. The Board may direct staff to research and reply to the concerns, if appropriate. Speakers must sign in prior to the start of the meeting providing a mail/email address and telephone number so that staff may reply to comments and/or questions. Citizens who request an immediate response from the Board are encouraged to submit a brief description of the issue to the Clerk to the Board two weeks prior to the Worksession to allow an opportunity for research prior to the meeting. **All speakers shall have three minutes to speak and are requested to refrain from addressing issues related to personnel matters.**

Resource Person(s): Michelle Parker-Evans, Clerk to the Board

County Manager's Recommendation: The Manager recommends that the Board receive citizen comments and direct staff to respond, as deemed appropriate.

2. North Carolina Association of County Commissioners' (NCACC) Video to Introduce new President (4 min)

- 1) The Board is requested to view a 4-minute video which includes an introduction from NCACC President Ray Jeffers and features NCACC staff updating commissioners on Steering Committees and how commissioners can participate. It also gives an overview of an upcoming seminar on the Affordable Care Act and how it affects counties as well as the Association's Risk Management Services.

3. Made in Durham Progress Report (45 min)

Representatives from MDC will be present to provide a status report on its "*Made in Durham: Building an Education to Career System*," a report generated by MDC with the end goal of developing an education-to-career system for disconnected youth from ages 14 to 25.

Resource Persons: David Dodson, President, MDC; Julie Mooney, Project Director, MDC; Cay Stratton, Senior Fellow, MDC

County Manager's Recommendation: The County Manager recommends that the Board receive the presentation and advise the staff if any additional action is necessary.

4. Youth Opportunity Proposal (30 min)

The Board is requested to reach a decision regarding a May 6, 2013 presentation on the Youth Opportunity Proposal submitted by Alliance at the request of Durham City/County/DPS Leadership Team to assist in the planning and oversight to develop a System of Care approach for disconnected, transition age youth. This proposal was in response to the IBM Smarter Cities Challenge recommendations regarding this population to address youth between the ages of 14–25 who have become disconnected from school and employment pathways, and position them to become positively contributing members of the community by the age of 25. The County has reserved \$66,000 to fund the County's share of the proposal. The City of Durham and the Durham Public Schools have also reserved the same level of funding in their FY 2014 budgets.

Resource Persons: Ann Oshel, Director of Community Relations, Alliance Behavioral Healthcare; Mike Ruffin, County Manager

County Manager's Recommendation: The County Manager recommends that the Board receive the update and move the request to partner with the City of Durham and Durham Public Schools to fund the County's share of the Youth Opportunity proposal to the October 14, 2013 Consent Agenda.

5. Joint City-County Planning Department Annual Work Program (45 min)

The Joint City-County Planning Committee (JCCPC) has reviewed several alternatives proposed by the Planning Director to adjust to the \$84,758 reduction to the appropriation for the County's share of the department's FY 2014 operating budget. The JCCPC has requested that the Board of Commissioners reconsider its funding decision based on the impacts as outlined by the Planning Director to the completion of its annual work program.

Resource Persons: Brenda Howerton, County Commissioner and Chair, Joint City-County Planning Committee; Steve Medlin, Joint City-County Planning Director; Mike Ruffin, County Manager

County Manager's Recommendation: The County Manager recommends that the Board discuss the recommendation of the Planning Director outlined in an email to the County Manager dated October 1, 2013, While no formal approval is required, the recommendation will not require any additional appropriation and will enable completion of Work Program Task 3.1.5, Housing Affordability Assessment and Plan.

6. DSS Main Street Facility Demolition and Redevelopment Update (75 min)

The Board is requested to receive an update on the DSS Main St. Facility Demolition and Site Redevelopment project located at 220 E. Main St. The construction of the Human Services and demolition of the DSS building were included in the Durham County Space Needs Analysis and Master Plan adopted by the BOCC in March 2000 and updated in March 2003. Additionally the plan called for the sale of the Carmichael Building which is already completed. The move of the DSS staff will be completed on October 24, 2013.

The intent of this update is to present several design concepts and receive direction from the Board on the redevelopment of the site as a civic plaza. The presentation will include an outline of the process for finalizing the design and demolition and a project schedule.

Resource Person(s): Glen Whisler, P.E., County Engineer; Peri Manns, ASLA, Project Manager, Engineering Department; Kevin Turner, AIA, The Freelon Group, Inc. and Dan Jewell, RLA, Coulter Jewell Thames, PA.

County Manager's Recommendation: The County Manager recommends that the Board receive the presentation and provide direction to staff as appropriate.

7. World War I Memorial Located at the Old Durham County Courthouse (20 min)

The Board is requested to receive an update from staff on a proposed approach to address the request of the Durham Appearance Commission regarding the placement of a plaque on the World War I Memorial, which is located in front of the Old Durham County Courthouse at 200 East Main Street.

The original proposal for construction of a World War I Memorial was presented to the Durham County Board of Commissioners in June 1921 by a representative of the Junior Order of United Mechanics of Durham. The Memorial was constructed and dedicated in November 1921. The Memorial, as constructed, lists all names of Durham County citizens killed in World War I, but separates the list according to race.

At the Board of Commissioners' June 3, 2013 Worksession, Mr. Eddie Davis, representing the Durham Appearance Commission, appeared to request that the Board of County Commissioners consider adding a small plaque at the bottom of the World War I Memorial. The Appearance Commission asked that the plaque provide one alphabetical listing of the names of Durham County citizens who were killed in action during World War I. The Appearance Commission's Resolution making the request are included as Appendix 1.

Following Mr. Davis' comments on June 3, 2013, the Board asked staff to research the issue and to come back to the Board with recommendations. Staff began researching the request, as well as reaching out to local Veterans organization to make them aware of the proposal. On July 25, 2013, Deputy County Manager Lee Worsley received a letter (attached as Appendix 2) from the American Legion, Durham Post 7, opposing the proposal to put a plaque directly on the WW I monument. The letter states a preference of "a plaque, separate from the Memorial showing an explanation of why the Memorial was prepared as it is."

Following receipt of the letter from the American Legion, Deputy Manager Worsley met again with the Durham Appearance Commission on August 22 to discuss an alternative concept. The alternative proposed would involve constructing an informational sign next to all three of the war memorials (World War I, World War II and Korea). The sign would discuss the history of all the war memorials, including providing a way for citizens to get more information on the Memorials (probably through a QR Code). The sign would also address the separation of the names on the World War I Memorial and include a relisting of the names, if deemed appropriate by the Board. To increase the opportunity to educate the public about the Memorials, the County could also add information to its website

(<http://www.dconc.gov>) so that the reach would be wider than just those who come to the Administration Building. The final design of a sign would come back to the Board of Commissioners for final approval, after consultation with the Appearance Commission and other appropriate stakeholders.

The Appearance Commission endorsed this alternative approach at their August 22 meeting and it is the approach being recommended to the Board of Commissioners.

Since the County is about to begin a significant construction project involving the demolition of the Social Services Building, which will include construction of a civic plaza and way finding signs, staff recommends that the War Memorial project be added to the DSS Demolition and Redevelopment Project so that design and construction can be coordinated through a single architect to make sure that there is consistent design for all pending projects in the 200 block of East Main Street. This will also allow the War Memorial sign to be part of any citizen input process that is followed for the civic plaza project once the Social Services Building is demolished.

Resource Persons: Lee Worsley, Deputy County Manager

County Manager's Recommendation: The County Manager recommends that the Board direct staff to include the design of a war memorial information sign as part of the DSS Demolition and Redevelopment Project.

8. Authorization of an Eight-month Dual Route Roadside Recycling Collection Pilot Program using 95 Gallon Roll Carts (30 min)

The Board is requested to authorize an eight-month dual route roadside recycling collection pilot program beginning on or about November 4, 2013. Approximately two thousand (2,000) participants in the 27278, 27514, 27705, 27712 and 27713 zip codes will switch collection of household recyclables from 18 gallon bins to 95 gallon roll carts. Funding of **\$60,320** for the pilot will come from Funds Reservation Number 1400000076 presently budgeted in the Solid Waste Fund.

Consistent with Strategic Plan Goal 4 Environmental Stewardship, this pilot program will increase participation in the County's roadside recycling collection program by providing residents with larger capacity collection carts, thereby increasing the number of tons of residential waste diverted for recycling. This would also support the Strategic Plan Goal 5 target of operating a more efficient government service.

Should this pilot be successful over the first five months in increasing the quantity of recyclables collected by 25% and increasing the number of set outs by 25%, a recommendation will be presented in the FY 15 budget to consider offering this option to all County customers.

Resource Persons: Motiryo Keambiroiro, Director General Services; Brian S. Haynesworth, Solid Waste Program Manager; and Chrissie Koroivui, Waste Reduction Supervisor

County Manager's Recommendation: The County Manager recommends that the Board authorize an eight month dual route roadside recycling collection program using 95 gallon containers with budgeted funds.

9. Strategic Community Partnerships Proposal (45 min)

The Board is requested to hear a presentation proposing a new model for how Durham County funds needed services that align with the Strategic Plan.

At September Worksession, the Board requested staff to incorporate its feedback on possible changes to the current nonprofit funding program and return with a proposal. Staff proposes a new model for what would be called "Strategic Community Partnerships." This new model would replace the current nonprofit funding program with a department-driven Request for Proposals (RFP) process focused on seeking proposals from the community for the provision of specific services in strategic priority areas to help Durham County achieve its strategic goals.

Resource Persons: Mike Ruffin, County Manager; Drew Cummings, Assistant County Manager; Michael Davis, Strategic Initiative Manager

County Manager's Recommendation: The County Manager recommends that the Board hear this presentation, respond with feedback, and direct the staff on how to proceed.

10. County Appointment to Durham Technical Community College Board (15 min)

- 1) On June 24, 2013, the Durham County Board of Commissioners voted to appoint Commissioner Brenda Howerton to the Durham Technical Community College Board (hereafter "Durham Tech Board"). Prior to Commissioner Howerton's appointment, the Orange County Board of Commissioners appointed one of their Commissioners to the Durham Tech Board. Subsequent to Commissioner Howerton's appointment, it was discovered that pursuant to North Carolina law, the Durham Tech Board can have only one County Commissioner present on the Board. (Attachments 1 – 4). The specific statutory language that prohibits more than one County Commissioner from serving on a Community College Board of Trustees is NCGS § 115D-12(a) – Group Two. This statute provides that, "No more than one trustee from Group Two may be a member of a Board of County Commissioners." Trustees from Group Two are elected by the Board of Commissioners of the County in which the institution is located or by the Board of Commissioners of all the counties that make up the administrative area of the institution. As stated earlier, Orange County appointed a County Commissioner to the Durham Tech Board prior to the appointment of Commissioner Howerton. Therefore, based upon North Carolina law, Commissioner Howerton cannot be appointed at this time.
- 2) However, if our board desires the authority to appoint a Commissioner from Durham County to the Durham Tech Board, we can request special legislation from the North Carolina General Assembly. There is a precedent in North Carolina where two counties, making up a multiple county administrative area, have requested and received special legislation to allow each county to have a County Commissioner serve on the Community College Board of Directors. Specifically, legislation applicable to only Asheville-

Buncombe Technical Community College (AB Tech), amended G. S. 115D-12 – Group Two. The legislation provides that, “No more than one trustee from Group Two may be a member of a Board of County Commissioners **of a given county**.” See S.L. 2013-175 (emphasis added.) (Attachment 5) Therefore, a County Commissioner from both Buncombe County and Madison County are permitted to serve on the Board of Trustees at AB Tech, simultaneously.

- 3) Please be informed that on August 28, 2013, I attended a meeting which included Bill Ingram, President, Durham Tech Board; Mary Ann Black, Chair, Durham Tech Board; and John Roberts, Orange County Attorney. We discussed the idea of pursuing special legislation which would authorize both Durham County and Orange County to appoint a County Commissioner to the Durham Tech Board. We all viewed this request to the General Assembly as non-controversial and there was support to move forward.
- 4) Attached is the ballot of applicants considered by the Durham County Board of Commissioners on June 24, 2013. (Attachment 6) These applicants are being provided in the event the Board chooses to select someone from the pool to serve on the Durham Tech Board, in an interim capacity.

Resource Persons: Lowell L. Siler, County Attorney

County Manager’s Recommendation: The County Manager recommends that the Board suspend the rules and take the following actions:

1. Decide whether to pursue special legislation that would allow both Durham and Orange County to have a County Commissioner on the Durham Tech Board.
2. Appoint a person to serve on the Durham Tech Board of Trustees, in an interim capacity, until such time as the special legislation is approved by the North Carolina General Assembly.

11. Commissioners’ Directives (10 min)

- 1) The Board is requested to review the previous month’s directives for staff and make comments as necessary. This set of directives covers April, May, June and July of 2013.

Resource Persons: Michael Davis, Strategic Initiative Manager

County Manager’s Recommendation: The County Manager recommends that the Board review the May BOCC directives and make comments to staff as necessary.

12. Closed Session (2 hours)

- 1) The Board was requested 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 and to discuss the case in the matter of Shaner SPE Associates Limited Partnership v. City of Durham and Durham County;

- 2) The Board of Commissioners is requested to adjourn to closed session 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)(6).

County Manager's Recommendation: The County Manager recommends that the Board adjourn to Closed Session and direct staff as appropriate.