

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

Monday, April 28, 2014

7:00 P.M. Regular Session

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 A. Howerton, and Commissioners, Fred Foster, Jr., Wendy Jacobs, and Ellen Reckhow

Absent: None

Presider: Chairman Michael D. Page

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

Agenda Adjustments

Mr. Wendell Davis, County Manager, requested that consent agenda items no. "b," "c," "e" and "f" be removed and considered at the May 12, 2014 Regular Session meeting of the Board.

Announcements

Chairman Page made the following announcements:

- "In Touch with Durham County," the Durham County Television show, airs daily on Cable TV Channel 8 or 97-5 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 for more information. Please note that all City and County taxes must be current at the time of application.
- "Living Healthy," the Durham Diabetes Coalition Television show, airs daily on Cable TV Channel 8 or 97-5 at 7 p.m. Each episode features Durham County resources and residents successfully living with diabetes. This is also an initiative that supports Durham County's strategic goal Health and Well-being for All.

- As Chair of the Board of County Commissioners, I will hold office hours for citizens on Wednesdays from 2:00 pm to 5:00 pm. Appointments can be made by calling me at 919-949-4022.

Commissioner Jacobs announced that the Durham County Memorial Stadium Authority would hold a special dedication ceremony to honor former County Commissioner Becky M. Heron for her many years of dedicated service and leadership to the Stadium Authority. She stated that the public event would be held on May 6, 2014 at 12:15 p.m. at the Durham County Memorial Stadium, 750 Stadium Drive; Durham, NC 27704.

Commissioner Jacobs also announced that Durham Public Schools would hold a public Literacy Summit on May 3, 2014 from 8:30 a.m. to 1:00 p.m. at Brogden Middle School, 1001 Leon Street; Durham, NC 27704. Commissioner Jacobs stated that the event was free and encouraged parents and community volunteers to attend. Individuals may visit www.dpsnc.net/literacy-summit to pre-register and obtain additional information.

Chairman Page reminded the Board of its retreat to be held on May 5, 2014 from 1:00 p.m. to 5:00 p.m. and May 6, 2014 from 9:00 a.m. to 11:45 a.m. Both sessions would be held at the Durham County Human Services Complex, 414 East Main Street; Durham, NC 27701.

Chairman Page and Commissioner Jacobs also commended Ms. Gayle Harris, Public Health Director, and the Public Health Department for their recent event which celebrated Public Health Month and the conclusion of the department's centennial year of service. The event, billed as *Public Health after Hours*, took place on April 25, 2014 from 4:00 p.m. until 7:00 p.m. at the Durham County Human Services Building.

Minutes

Vice-Chair Howerton moved, seconded by Commissioner Jacobs, to approve as submitted the April 7, 2014 Worksession Minutes and April 14, 2014 Regular Session Minutes of the Board.

The motion carried unanimously.

Proclamation – Workforce Development Professionals Month

Chairman Page read the following proclamation into record:

WORKFORCE DEVELOPMENT PROFESSIONALS MONTH | 2014

WHEREAS, the economic development of every region in our country and the ability of our businesses and industries to compete in the global economy is more than ever before dependent on the availability and quality of a skilled workforce; and

WHEREAS, the complexity and fast-paced change in our economy and labor markets puts new demands on individuals and employers at all levels; and

WHEREAS, job seekers need the assistance of knowledgeable and dedicated professionals to facilitate the process by which our workforce identifies, prepares for, obtains and maintains employment and self-sufficiency; and

WHEREAS, employers depend on similar levels of professional services to help them recruit and retain a competitive workforce and continuously upgrade the skill sets of their incumbent employees;

NOW, THEREFORE, I, Michael D. Page, Chairman of the Durham Board of County Commissioners and on behalf of the Durham Board of County Commissioners, do hereby proclaim May 2014 as

“WORKFORCE DEVELOPMENT PROFESSIONALS MONTH”

in Durham County, North Carolina and hereby urge all citizens to take special note of this observance to honor all those individuals in all the Workforce Development organizations and partnerships who play such a vital role in our economy.

This the 28th day of April, 2014.

/s/ Michael D. Page

Michael D. Page, Chairman
Durham Board of County Commissioners

Commissioners thanked the Office of Economic and Workforce Development and the Workforce Development Board for the work that they conduct on behalf of Durham citizens. They commended the organization for its commitment to work with youth and provide citizens with job training programs.

Mr. Kevin Dick, Executive Director, Office of Economic and Workforce Development, extended thanks to the Board for issuing the proclamation. Mr. Dick recognized individuals in attendance who worked with Office of Economic and Workforce Development and the Workforce Development Board. Mr. Dick offered brief comments discussing the work performed and the many programs available to increase the economic opportunities for citizens in Durham County.

Proclamation-Children’s Mental Health Awareness Month

Vice-Chair Howerton read the following proclamation into record:

CHILDREN’S MENTAL HEALTH AWARENESS MONTH | 2014

WHEREAS, all of our children, without regard to challenges they face, are valuable and a significant part of the rich and diverse resources of our present and our future; and

WHEREAS, all children ages 0-26 deserve to be supported as they struggle with serious mental health and behavioral challenges; and

WHEREAS, support for our youth as they grow and develop from cradle to career is essential to the success of children, families and the community; and

WHEREAS, mental health is essential to overall health and well-being; and

WHEREAS, according to the United States Department of Health and Human Services, one in five children has a mental health disorder, and one in ten adolescents aged 9-17 have a serious mental illness; and

WHEREAS, with proper treatment and support children with mental health disorders can succeed in all life domains and reach their full potential, moving from cradle to career; and

WHEREAS, as parents, doctors and nurses, teachers, guidance counselors, neighbors, friends, concerned citizens and faith-based communities are among the many who can reach out to children, youth and their families in our community who are in need of support, education, information, encouragement and mental health resources; and

WHEREAS, strong youth and young adults will strive to positively change the misconceptions about youth with mental illness diagnoses to a vision of strong and capable young people who can overcome challenges; and

WHEREAS, Durham County Government joins with Alliance Behavioral Healthcare, BECOMING and other community organizations in recognizing the need to raise awareness about our children and mental health, commending those who work to support our youth, and celebrating those children with mental health disorders who reach for their full potential.

NOW, THEREFORE, I, Michael D. Page, Chairman of the Durham Board of County Commissioners, do hereby proclaim May 2014 as

“CHILDREN’S MENTAL HEALTH AWARENESS MONTH”

in Durham County, North Carolina and call upon the citizens, government agencies, public and private institutions, businesses and schools in Durham County to commit to increasing our community’s awareness and understanding of the issues of mental health among our children and youth.

This the 28th day of April, 2014.

/s/ Michael D. Page

Michael D. Page, Chairman
Durham Board of County Commissioners

Ms. Teka Dempson, BECOMING Family Partner Coordinator, extended thanks to the Board for issuing the proclamation. Ms. Dempson briefly discussed the evolution of mental health awareness in Durham County.

Resolution Honoring Mr. Ferdinand Vincent Allison, Jr.

Chairman Page read the following resolution into record:

FERDINAND V. ALLISON, JR. | 2014

WHEREAS, Ferdinand Vincent “Pete” Allison, Jr., was born on January 15, 1923 in Greensville County, Virginia to Ferdinand and Elizabeth Allison; and

WHEREAS, upon high school graduation, he enrolled in Hampton Institute (now Hampton University) and was drafted into the United States Army Air Corps during World War II; and

WHEREAS, after serving his country, he returned to Hampton where he earned his Bachelor of Science and continued his educational pursuits at New York University earning a Master of Business Administration before moving to Durham; and

WHEREAS, Allison was employed by only two institutions during his professional life: Hampton Institute and Mutual Home Building and Loan (converted to Mutual Savings Bank) where he worked his way up from teller to President and CEO by his retirement in 1996; and

WHEREAS, this trailblazer and pioneer was the first African American elected to the Board of Directors of the U.S. League of Savings Institutions in 1991; and

WHEREAS, he held numerous memberships and leadership roles in many organizations including: the Savings and Community Bankers of America, Raleigh-Durham Airport Authority, North Carolina Citizens for Business and Industry, Durham Chamber of Commerce, Durham Committee on the Affairs of Black People, Omega Psi Phi Fraternity and the Durham County Hospital Corporation; and

WHEREAS, Ferdinand Vincent “Pete” Allison, Jr., a gifted and beloved role model will be forever remembered for his business savvy, and for dedicating his professional life to enhancing and uplifting the Durham community;

NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham Board of County Commissioners do hereby resolve to pay tribute to

FERDINAND VINCENT “PETE” ALLISON, JR.

for his lifelong work as a dynamic and innovative banker, civic leader, economic developer, and civil rights activist who worked tirelessly in service to others throughout the Durham community and beyond.

This the 28th day of April, 2014.

/s/ All Commissioners
All Commissioners

The Board expressed their condolences to the family of Mr. Allison and reflected on his life, work, and other accomplishments in the Durham community.

Dr. E. Lavonia Allison, extended thanks to the Board for issuing the proclamation. She introduced her daughter Ms. K. Michelle Allison-Davis, Esq. and son Dr. F. Vincent Allison, DDS. Dr. Allison provided reflections of Mr. Allison’s arrival in Durham County in 1953, family life and work with social justice organizations in Durham County.

Resolution Honoring Deputy County Manager Lee Worsley for Serving as Interim County Manager

Chairman Page read the following resolution into record:

LEE WORSLEY

WHEREAS, the Durham Board of County Commissioners named Deputy County Manager Lee Worsley as Interim County Manager upon the retirement of County Manager Michael M. Ruffin effective February 1, 2014; and

WHEREAS, because of his breadth of experience as a county manager and an assistant county manager, the Board had confidence in his skills and abilities to ensure that the public and the employees would not see any changes to this well managed local government structure; and

WHEREAS, he proceeded to assume the substantive additional duties related to managing and directing the county's day to day operations for the transitional period prior to the arrival of a new County Manager; and

WHEREAS, Mr. Worsley made some temporary reassignments and realignments of senior staff and worked positively with Department Heads to ensure that normal operations continued as expected by the citizens of Durham County; and

WHEREAS, during the stewardship of Mr. Worsley, major projects, initiatives, and directives were successfully managed; and

WHEREAS, civic and community leaders along with employees and residents remarked that he was pleasant to work with and that his work always demonstrated that he was mindful of the best interests of Durham County Government;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham Board of County Commissioners, do hereby extend sincere and grateful appreciation to

LEE WORSLEY

for his transformative, dynamic and dedicated service to Durham County Government while serving as Interim County Manager from February 1, 2014 through April 14, 2014. We are grateful for his invaluable leadership, and for the contributions he has made to improve the Durham community.

This the 28th day of April, 2014.

/s/ All Commissioners
All Commissioners

The Board expressed its gratitude to Mr. Worsley for serving as Interim County Manager. They praised his active leadership style, professionalism and ability to move forward with key County initiatives.

Mr. Lee Worsley, Deputy County Manager, thanked the Board for issuing the resolution in recognition of his efforts as Interim County Manager. Deputy Manager Worsley thanked his family, colleagues, and staff for their support and assistance during his tenure.

Resolution Requesting Legislative Action on Recent Coal Ash Spills

Chairman Page read the following resolution into record:

REQUEST FOR LEGISLATIVE ACTION ON COAL ASH IN NORTH CAROLINA

WHEREAS, each year, coal-burning power plants across North Carolina produce more than 5.5 million tons of coal ash, a by-product of burning coal that contains toxic metals including mercury, selenium, lead, and arsenic that can cause cancer and serious damage to the nervous system in humans; and

WHEREAS, in February 2014, approximately 39,000 tons of coal ash and 35 million gallons of wastewater laden with toxic heavy metals were discharged into the Dan River from a broken stormwater pipe beneath an unlined coal ash pit at Duke Energy's Dan River power plant, and an unknown amount of untreated coal ash wastewater containing high levels of arsenic discharged from a second ruptured pipe into the Dan River; and

WHEREAS, twenty-nine of North Carolina's 37 coal ash ponds have been rated "high hazard" by the Environmental Protection Agency, meaning that pond failure will likely cause loss of human life in addition to economic loss, environmental damage and damage to infrastructure; and

WHEREAS, none of the state's 37 coal ash ponds have a composite liner; and

WHEREAS, Duke Energy's coal ash ponds in North Carolina are violating the Clean Water Act by discharging pollutants into rivers and lakes, and pollution from such ponds is a serious threat to public health; and

WHEREAS, NCDENR has failed to require Duke Energy to cease its ongoing groundwater and surface water discharge violations, and despite groundwater contamination at each of Duke Energy's North Carolina coal ash facilities, the utility has made no commitments to cease or clean up its pollution of public water sources; 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 to pass legislation prohibiting the placement of any additional waste into any existing coal ash ponds and that Duke Energy be required to pay cleanup costs, and that the cost not be passed on to ratepayers.

BE IT FURTHER RESOLVED that copies of this resolution are sent to our Durham County legislative delegation and to the leadership of the North Carolina General Assembly.

This the 28th day of April, 2014.

/s/ All Commissioners
All Commissioners

Commissioner Reckhow suggested that copies of the resolution and a cover letter be forwarded to Governor McCrory and Secretary Skvarla, North Carolina Department of Environment and Natural Resources. She requested that the cover letter contain language urging the Governor and his administration to be more diligent in protecting the environment in North Carolina for future generations. Commissioner Reckhow commented on the negative media attention brought by the coal ash spill and the need for corrective and preventative actions.

Consent Agenda

Chairman Page stated that consent agenda items no. “b,” “c,” “e,” and “f” were removed. He asked the Commissioners if they desired to pull any other items, to which they responded in the negative.

Commissioner Reckhow moved, seconded by Vice-Chair Howerton, to approve the following consent agenda items (10a, d, g, and h):

- *a. Approve Budget Ordinance Amendment No. 14BCC000051 to recognize funds in the amount of \$6,750 from the National Association of County and City Health Officials to promote and implement the Chronic Disease Self Management and Arthritis Self-Management Programs in the Durham community;
- d. Authorize the County Manager to enter into a standard service contract in the amount of \$45,000.00 with Hilliard’s Lawn Maintenance Inc. for Easement Maintenance Services for the Triangle Wastewater Treatment Plant, subject to budget availability;
- *g. Approve Capital Project Amendment No. 14CPA000009 moving \$550,000 from four 2007 GO Bond funded DPS capital projects (New Elementary ‘E’, Easley Elementary School, Riverside High School and Hillside High School) to Brogden Middle School and Eno Valley Elementary School 2007 GO Bond funded projects;
- h. Approve the submitted legislative issues and instruct staff to collaborate with the Durham Delegation to have items prepared for consideration.

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. 14BCC000051

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	\$57,252,311	\$6,750	\$57,259,061

Expenditures:

Function
GENERAL FUND

Human Services \$89,820,511 \$6,750 \$89,827,261

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>BENEFITS PLAN FUND</u>			
Other Financing Sources	\$16,566,426	\$105,372	\$16,671,798

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>BENEFITS PLAN FUND</u>			
Public Safety	\$6,359,790	\$105,372	\$6,465,162

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

This the 28th day of April, 2014.

Consent Agenda Item No. g.

DURHAM COUNTY, NORTH CAROLINA
 FY 2013-14 Capital Project Ordinance
 Amendment No. 14CPA000009

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the FY 2013-14 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects:

Capital Project	Current Budget	Inc./Dec.	Revised Budget
New Elementary 'E' (SH119)	\$19,111,928	(\$300,000)	\$18,811,928
Easley Elementary School (SH201)	\$300,000	(\$100,000)	\$200,000
Riverside High School (SH223)	\$994,925	(\$50,000)	\$944,925
Hillside High School (SH221)	\$1,576,608	(\$100,000)	\$1,476,608
Brogden Middle School (SH215)	\$538,000	\$250,000	\$788,000
Eno Valley Elementary School (SH202)	\$1,200,000	\$300,000	\$1,500,000

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

This the 28th day of April, 2014.

Decrease EMS Station #1 Renovations Capital Project (Capital Project Amendment No. 14CPA00008) by \$365,000 of Unspent County Contribution Funds and Transfer Those Funds to the EMS Operating Budget in the General Fund (Budget Ordinance Amendment No. 14BC000050), and to Authorize Sole Source Procurement of Optima Predict Operational Analysis Software (15 min)

Mr. Skip Kirkwood, Director of Emergency Medical Services (EMS), requested that the Board decrease the EMS Station #1 Renovations Capital Project (44103100DC132) unspent County Contribution funds by \$365,000 currently budgeted in the project (Capital Project Amendment No. 14CPA00008), and to transfer those funds to the EMS Operating Budget in the General Fund (Budget Ordinance Amendment No. 14BC000050). It was also requested that the Board authorize sole source procurement of Optima Predict Operational Analysis software. Mr. Kirkwood reviewed a PowerPoint presentation entitled, *EMS Facilities: Today and Tomorrow*, which consisted of the following:

- Where We Stand Today
- Existing Facilities
- Coverage - Seven Minute Drive Time
- Criteria for Present Station Locations
- 2013 Fire Study
- Proposal
- Optima Predict Software
- Request
- Current EMS Stations (Map)
- Number of Calls - Performance (Map)
- Where Calls Occur - Density Analysis (Map)

Referencing the EMS Station #1 Renovation capital project budget of \$2,063,499, Commissioner Foster questioned how the transfer of funds would impact the proposed renovations to station #1 and the ability upgrade the usefulness of the facility. Mr. Kirkwood stated that the project would be put on hold until an evaluation was conducted to assess the condition of the building. Mr. Kirkwood further elaborated on the many of the challenges caused by the insufficiency of the station #1 as a headquarters for EMS. Referencing slide four, Commissioner Foster inquired about plans to address the gaps in coverage. Mr. Kirkwood responded stating that the study would be conducted to assess at the individuals facilities. He continued saying that the assessment would determine if the facilities were in need of renovation or if new construction would be necessary.

Commissioner Jacobs questioned if the software was applicable only to EMS facilities, or if it could be used for any other services. Mr. Kirkwood stated that the software was presented to staff representing the Fire and Rescue Department. He continued saying that they determined that their facility needs were defined by real property and city boundaries, thus citing their disinterest in using the software to evaluate their facility needs. Commissioner Jacobs asked how the articles would be incorporated into the analysis of the EMS facilities. Mr. Kirkwood explained that many of the approaches cited in the articles would be considered with regard to the capital planning process. He added that community paramedicine services were not facility intensive, unlike ambulances which were based in a station as part of their normal operation. Mr. Kirkwood discussed the relationship between paramedicine and traditional ambulance service (geography and demand).

County Manager Davis commented that EMS staff sought to approach the capital planning in the same manner as a 20-year facilities master plan process. He noted that the facility analysis would provide consistency and the opportunity to review program initiatives and business processes.

Commissioner Reckhow urged the County to confer regularly with City of Durham and the volunteer fire departments during the planning process.

Commissioner Reckhow moved, seconded by Commissioner Jacobs, to approve the decrease of EMS Station #1 Renovations capital project (Capital Project

Amendment No. 14CPA00008) by \$365,000 of unspent County Contribution funds and transfer those funds to the EMS Operating Budget in the General Fund (Budget Ordinance Amendment No. 14BC000050), and to authorize sole source procurement of Optima Predict Operational Analysis software.

The motion carried unanimously.

Board and Commission Appointments

Michelle Parker-Evans, Clerk to the Board, distributed ballots to the Board to make appointments to boards and commissions.

The Board made the following appointments (incumbents are underlined):

Durham County Hospital Corporation

Katrina Avery – Howerton, Jacobs and Reckhow

Gail Belvett – Foster, Howerton, Jacobs, Page and Reckhow

Charles Cooperberg – Howerton, Jacobs, Page and Reckhow

Philip Harewood – Foster, Howerton, Jacobs, Page and Reckhow

Robert Newman – Howerton, Jacobs and Reckhow

Juvenile Crime Prevention Council

Robert Gaddy – Foster, Howerton, Jacobs, Page and Reckhow

Nursing Home Community Advisory Committee

Lascel Webley, Jr. – Foster, Howerton, Jacobs, Page and Reckhow

Open Space and Trails Commission

LaDawna Summers – Foster, Howerton, Jacobs, Page and Reckhow

Charles Welch – Foster, Howerton, Jacobs, Page and Reckhow

Closed Session

Commissioner Reckhow moved, seconded by Vice-Chair Howerton, to adjourn into closed session pursuant to G.S. 143-318.11(a)(5) to instruct staff on the position to be taken concerning the price and other material terms of a proposed contract for the acquisition of real property for the Rougemont Critical Water Infrastructure project.

The motion carried unanimously.

Reconvene to Open Session

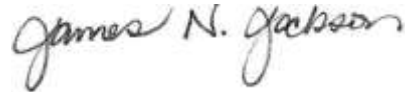
Chairman Page announced that the Board met in Closed Session. Direction was provided to staff.

Adjournment

Vice-Chair Howerton moved, seconded by Commissioner Reckhow, to adjourn the Regular Session meeting.

The motion carried unanimously.

Respectfully Submitted,

A handwritten signature in cursive script that reads "James N. Jackson".

James N. Jackson
Deputy Clerk to the Board