

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

Tuesday, May 27, 2014

MINUTES

6:00 pm

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 opened the meeting and announced that the Board was requested to adjourn to Closed Session 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, which privilege is hereby acknowledged; and pursuant to G.S. § 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations.

Vice-Chair Howerton moved, seconded by Commissioner Jacobs to adjourn into Closed Session.

The motion carried unanimously.

7:00 P.M. Regular Session

Reconvene to Open Session—Chairman Page announced that the Board met in closed session; no action was taken.

Chairman Page asked everyone to join in the Pledge of Allegiance.

Agenda Adjustments

There were no adjustments to the agenda.

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@concd.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 each Wednesday from 2:00 pm to 5:00 pm. Appointments can be made by calling me at (919) 949-4022.

Minutes

Vice-Chair Howerton moved, seconded by Commissioner Reckhow, to approve as submitted the May 5, 2014 Worksession Minutes and May 12, 2014 Regular Session Minutes of the Board.

The motion carried unanimously.

Resolution - Supporting the Increase of Social Security Benefits

Chairman Page read the following proclamation into record:

RESOLUTION IN SUPPORT OF INCREASING SOCIAL SECURITY BENEFITS

WHEREAS, Social Security is the major source of income for most of America's elderly with 46 percent of unmarried and 23 percent of married couples relying on Social Security for 90 percent or more of their income, with an average monthly benefit of just \$1,290; and

WHEREAS, the annual Social Security cost of living allowance for beneficiaries has averaged just over 1% over the past five years, with a zero increase for two of those years; and

WHEREAS, health care costs make up a large percentage of seniors' expenses with Americans facing an estimated \$220,000 in medical bills in retirement; and

WHEREAS, Social Security is the nation's largest program for disabled workers, providing 8.9 million with benefits and the nation's largest children's program service 4.4 million children; and

WHEREAS, Social Security is important to future generations, but also to current workers facing income loss, diminished net worth and high unemployment during their vital income earning years, all of which impacts their retirement; and

NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby support efforts being considered in Congress to increase the Social Security benefits.

This the 27th day of May, 2014.

/s/ All Commissioners
All Commissioners

Commissioner Reckhow expressed appreciation to citizens for bringing this issue before the Board. She commented that the state of the current economy had resulted in little to no increases to salaries and/or government benefits. Commissioner Reckhow asked that the Board remain cognizant of citizens who were living on fixed incomes as Durham County Government entered its budget cycle.

Commissioner Jacobs recommended that the resolution be forwarded to Durham County's state and federal legislative delegation.

Mr. Godfrey Laws, National Committee to Preserve Social Security and Medicare, thanked the Board for issuing the resolution to support the increase of Social Security benefits. He encouraged citizens to support the issue in question by contacting their legislative representative at 1 (800) 999-0180.

Acceptance of the Gold Greater Triangle Stewardship Development Award for the Durham County Justice Center and Parking Deck

Chairman Page read the award plaque into record.

Mr. Chris Roberts, Interim Engineering and Environmental Services Director, extended thanks to the Board for recognizing the award that had been presented to Durham County. Mr. Roberts commented that the Durham County Justice Center and Parking Deck provided a clean and safe environment for citizens and staff to conduct County business. He continued saying that the gold level award was the highest recognition possible and served as a testament to the collaborative efforts of staff.

Ms. Tobin L. Freid, City-County Sustainability Manager, stated that the Gold Greater Triangle Stewardship Development Award was a great achievement for Durham County, which recognized the County's commitment to environmentally responsible and high-performing buildings. She reviewed the criteria used in the judging of the award and several of the comments provided by the judges. She thanked the Board, staff and the architectural and construction firms for their support and hard work during the design and construction phases, as well as during the award application period.

Commissioner Reckhow suggested that the award plaque be hung at the Durham County Justice Center. Ms. Freid responded stated that the idea had been considered and that there were tentative plans to hang the plaque in the jury waiting room.

Recognition of Durham County Employees for Receiving Civitan Club Awards

Sheriff Mike Andrews introduced Deputy Andre Hinton as one of the two Durham County employees who recently received community honors from the Durham Civitan Club. Deputy Hinton was recognized with the coveted Louis J. Carver Citizenship Award for "outstanding and dedicated service to the citizens of Durham." Sheriff Andrews stated that Deputy Hinton had always gone above and beyond for the citizens of Durham County, while maintaining a passion for helping at-risk youth. He discussed Deputy Hinton's work with the Choices program, a workshop for juveniles charged with fighting or assault. In conclusion, Sheriff Andrews thanked the Board for recognizing the work of both employees.

Deputy Hinton thanked the Board, staff and his family for their continued support. He made brief comments regarding his commitment to the serving the citizens of Durham County.

Mr. Skip Kirkwood, EMS Director, introduced Paramedic Taylor Kennedy, who also received the Louis J. Carver Citizenship Award from the Durham Civitan Club. Mr. Kirkwood stated that although Paramedic Kennedy was a relatively new employee, he had proven himself to be dedicated to the needs of Durham County Government. In closing, he commented that the Civitan Club award recognized Paramedic Kennedy as a "rising star" within the EMS department.

Paramedic Kennedy thanked the Board, staff and the Civitan Club for the recognition. He commented that his fellow employees and colleagues from other agencies contributed to the overall goal of caring for Durham citizens.

FY2014-2015 County Manager's Recommended Budget

County Manager Wendell M. Davis presented the Recommended Budget for FY2014-2015 to the Board, which was in accordance with N.C.G.S. 159-12 of The Local Government Budget & Fiscal Control Act. County Manager Davis reviewed a PowerPoint Presentation entitled, *FY2014-2015 Manager's Recommended Budget*, which consisted of the following:

- Special Thanks
- FY2014-2015 Manager's Recommended Budget
- FY2014-2015 Budget Process
- Property Tax "Natural" Growth
- FY2014-2015 Sales Tax
- FY2014-2015 Article 46 (1/4 Cent) Sales Tax
- Revenue Highlights
- General Fund Revenues by Source
- General Fund Expenditures by Area
- Recommended FY2015 Property Tax Rate
- Budget Highlights
- Number of Employees Receiving Increase from Compensation Study (Graph)
- Job Classifications With Most Number of Employees Experiencing Changes (Chart)
- Current Salaries By Workforce Percentage (Chart)

- Tax Rate Changes for Fire Tax Districts (in Cents)
- Debt Service FY2014-2015 Payments
- County Contribution Funding: Pay as You Go Support
- Property Tax Rates Related to FY2014-2015 CIP (Graph)
- General Funds Fund Balance Percentage (Graph)
- New Positions
- Eliminated Positions
- Durham Public Schools Funding
- FY2013-2014 Per Pupil Funding vs. Peers
- Non-Profit Funding
- FY2014-2015 Strategic Plan
- BOCC Budget Review Worksessions
- Public Hearing for the FY2014-2015 Budget
- Budget Adoption
- Other Information

Chairman Page thanked County Manager Davis for the presentation that was delivered. He announced that budget hearings would begin on May 29, 2014 at 1:00 p.m.

The Board discussed the scheduling of the budget hearing to accommodate staff presentations and the Board discussions/deliberation.

Commissioner Reckhow commented on the proposed tax rate increase in the County Manager's recommended budget. She asked that the Board remain mindful that many citizens had received little to no increases to salaries and/or government benefits.

Vice-Chair Howerton thanked County Manager Davis and staff for the recommended budget presentation. She noted the Board's commitment to conducting the budget hearing in an effective, yet efficient manner.

Commissioner Jacobs also acknowledged the efforts of staff regarding the recommended budget. She requested that the budget hearings include additional opportunities for public comment.

Consent Agenda

Chairman Page stated that consent agenda items no. "p" was removed. He asked the Commissioners if they desired to pull any other items.

Commissioner Jacobs stated that she wished to pull item "o."

Commissioner Reckhow moved, seconded by Vice-Chair Howerton, to approve the following consent agenda items (9a, b, c, d, e, f, g, h, i, j, k, l, m and n):

- a. Accept the annual report of the Board of Adjustment as required by the Interlocal Agreement between the City of Durham and Durham County;
- b. Receive the Durham Environmental Affairs Board 2013 Annual Report;
- c. Receive the Annual Report from the Durham City-County Appearance Commission as required by the Interlocal Cooperation Agreement;

- d. Accept the Annual Report of the Planning Commission as required by the by the Interlocal Agreement between the city of Durham and Durham County;
- e. Receive and accept the Durham Open Space and Trails Commission Annual Report in accordance with the adopted Interlocal Agreement;
- *f. Approve Budget Ordinance No. 14BCC000057 in the amount of \$21,052 for Title IV-E Child Care Direct Services and Duke Energy-Progress Energy Neighborhood Funds;
- g. Receive the Historic Preservation Commission 2013 Annual Report;
- h. Approve the resolution requesting the North Carolina Department of Transportation (NCDOT) accept Carramore Lane into the Secondary Road System for state maintenance;
- *i. Approve Budget Ordinance Amendment No. 14BCC000058 to recognize \$500 in donations and appropriate those funds into the Cooperative Extension Budget;
- j. Approve Closed Session Minutes that have been unsealed and have been determined by the County Attorney's Office that public inspection no longer frustrates the purpose of a closed session;
- *k. Approve Budget Ordinance Amendment No. 14BCC000059 to recognize funds in the amount of \$8000 from Person County Health Department for the implementation of activities related to the Community Transformation Grant Project;
- *l. Approve Budget Ordinance Amendment No. 14BCC000060 to recognize additional Centers of Medicare and Medicaid (CMS) grant funds in the amount of \$32,300 from Duke;
- m. Authorize the County Manager to enter into a contract regarding the purchase of 12405 North Roxboro Road with regard to the Rougemont groundwater remediation;
- n. Approve the amended and restated management plan and agreement regarding the disposal of scrap tires and white goods between Durham County and the City of Durham;
- o. Approve tree ordinance resolution;

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. f.

DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Budget Ordinance
Amendment No. 14BCC000057

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 | \$57,543,780 | \$20,992 | \$57,564,772 |
| Contributions & Donations | \$231,256 | \$60 | \$231,316 |

Expenditures:

| <u>Function</u> | | | |
|---------------------|--------------|----------|--------------|
| <u>GENERAL FUND</u> | | | |
| Human Services | \$90,049,686 | \$21,052 | \$90,070,738 |

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

This the 27th day of May, 2014.

Consent Agenda Item No. i.

DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Budget Ordinance
Amendment No. 14BCC000058

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> | | | |
| Contributions & Donations | \$231,316 | \$500 | \$231,816 |

Expenditures:

| <u>Function</u> | | | |
|-----------------------------------|-------------|-------|-------------|
| <u>GENERAL FUND</u> | | | |
| Economic and Physical Development | \$4,764,294 | \$500 | \$4,764,794 |

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

This the 27th day of May, 2014.

Consent Agenda Item No. k.

DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Budget Ordinance
Amendment No. 14BCC000059

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 | \$57,564,772 | \$8,000 | \$57,572,771 |

Expenditures:

| <u>Function</u> | | | |
|---------------------|--------------|---------|--------------|
| <u>GENERAL FUND</u> | | | |
| Human Services | \$90,070,738 | \$8,000 | \$90,078,738 |

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

This the 27th day of May, 2014.

Consent Agenda Item No. l.

DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Budget Ordinance
Amendment No. 14BCC000060

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 | \$57,564,772 | \$32,300 | \$57,605,072 |

Expenditures:

| <u>Function</u> | | | |
|---------------------|--------------|----------|--------------|
| <u>GENERAL FUND</u> | | | |
| Human Services | \$90,070,738 | \$32,300 | \$90,111,038 |

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

This the 27th day of May, 2014.

Public Hearing - 2013 Evaluation and Assessment Report of the Durham Comprehensive Plan

Mr. Aaron Cain, Planning Supervisor, City-County Planning Department, requested that the Board hold a public hearing to receive comment and approve changes to policies and the Future Land Use Map of the *Durham Comprehensive Plan* as part of the 2013 Evaluation and Assessment Report (EAR). Mr. Cain stated that the Board was being asked to consider three action items regarding the 2013 Evaluation and Assessment Report: rectification of plan amendments, proposed policies to the Durham Comprehensive Plan and technical updates to the Future Land Use Map. With regard to the rectifications, Mr. Cain explained that the Board was being asked to rectify 13 plan amendments adopted by the Durham City Council in 2013 and one that was adopted in 2014, which was a modification of one of the amendments adopted in 2013.

Furthermore, the policy changes consisted of 58 changes to the Durham Comprehensive Plan policies, which consisted of additions, amendments and deletions. Mr. Cain then stated that the technical updates to the Future Land Use Map consisted of changing the future land use designation for three parcels of land regarding agricultural conservation (2) and open space easements (1). In closing, Mr. Cain stated that this item was recommended for approval by the Durham Planning Commission on April 8, 2014, and would be brought before the Durham City Council on June 2, 2014.

Chairman Page opened the public hearing. As there were no individuals signed up to speak, Chairman Page closed the public hearing.

Commissioner Reckhow moved, seconded by Vice-Chair Howerton, to approve the 2013 Evaluation and Assessment Report of the Durham Comprehensive Plan.

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):

Adult Care Home Community Advisory Committee

America A. Allen – Foster, Jacobs, Page and Reckhow

Clifton L. Daye III – Foster, Howerton, Jacobs, Page and Reckhow

Nursing Home Community Advisory Committee

Laura Schwark – Foster, Howerton, Jacobs, Page and Reckhow

Carrie Slaughter – Foster, Howerton, Jacobs, Page and Reckhow

Operation Breakthrough Board of Trustees

Renaldo Dorsey – Foster, Howerton, Jacobs, Page and Reckhow

Items Pulled From Consent Agenda

Consent Agenda Item No. o

- o. Approve tree ordinance resolution;

Commissioners Jacobs and Reckhow commented that they wished to revise the resolution that was submitted with the agenda item for approval.

The Board discussed the time sensitivity and content of the current resolution. Commissioner Reckhow suggested that resolutions from the Environmental Affairs Board and Keep Durham Beautiful be attached to the current resolution as additional documentation.

Ms. Deborah Craig-Ray, Assistant County Manager, informed the Board that due to the time sensitivity of Senate Bill 734, that she could hand deliver copies of the resolutions to members of Durham's legislative delegation and leadership at the General Assembly. She discussed the effect of the bill on local jurisdictions.

In light of County Assembly Day, Commissioner Jacobs discussed a recent North Carolina Association of County Commissioners steering committee meeting that she attended regarding fertilizer control policies. She stated that House Bill 74, which prevented local jurisdictions from controlling the application of fertilizer. Commissioner Jacobs discussed the how this bill conflicted with the ability to comply with the rules to reduce contaminants in Falls Lake. She said that such a contradiction needed an exemption for commercial and residential application of fertilizers. Ms. Craig-Ray stated that General Assembly staff would review this issue during committee briefings, but that she would raise the issue if it was not discussed.

Commissioner Jacobs moved, seconded by Commissioner Reckhow, to approve the resolution and forward copies of said resolution along with resolutions adopted by Keep Durham Beautiful and the Environmental Affairs Board to the North Carolina General Assembly leadership and the Durham Legislative Delegation members.

The motion carried unanimously.

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 black ink that reads "James N. Jackson". The signature is written in a cursive style with a large, looping initial "J".

James N. Jackson
Deputy Clerk to the Board