

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

Monday, July 28, 2014

4:00 P.M. Closed 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 opened the meeting and stated that the Board was 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).

Vice Chair Howerton moved, seconded by Commissioner Reckhow to adjourn to Closed Session.

The motion carried unanimously.

7:00 P.M. Regular Session

Reconvene to Regular Session - Chairman Page announced that the Board met in Closed Session and would reconvene in Closed Session following the Regular Session. He asked everyone to join in the Pledge of Allegiance.

Agenda Adjustments

Commissioner Reckhow requested to be excused from the September 22, 2014 Regular Session.

Vice Chair Howerton moved, seconded by Commissioner Foster to excuse Commissioner Reckhow from the September 22, 2014 meeting.

The motion carried unanimously.

Commissioner Foster requested to be excused from the September 22, 2014 Regular Session.

Commissioner Jacobs moved, seconded by Vice Chair Howerton to excuse Commissioner Foster from the September 22, 2014 meeting.

The motion carried unanimously.

Commissioner Jacobs requested to be excused from the August 11, 2014 Regular Session.

Commissioner Reckhow moved, seconded by Vice Chair Howerton to excuse Commissioner Jacobs from the August 11, 2014 meeting.

The motion carried unanimously.

Chairman Page stated that there may need to be an evaluation of the agenda to determine whether to hold a meeting on September 22, 2014.

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.

Minutes

Vice-Chair Howerton moved, seconded by Commissioner Jacobs, to approve as submitted the June 23, 2014 Regular Session Minutes; June 10, 2014 Budget Worksession; and June 12, 2014 Budget Worksession Minutes of the Board.

The motion carried unanimously.

Recognition of Durham County Receiving the Robert Wood Johnson Foundation's 2014 Culture of Health Prize

Chairman Page recognized Gayle Harris, Public Health Director, to discuss the award. Ms Harris noted that the award was reflective of the work done in the community. She gave a brief summary of how the Foundation made a visit to Durham and saw amazing things happening in the community.

There were over 250 applications, and Durham County was selected as one of six communities in the United States to receive the award.

Chairman Page joined a team from Public Health in New Jersey to officially accept the award of \$25,000 to further the work of the Partnership for a Healthy Durham. Durham County has also received national press coverage and web presence for its contribution to creating a culture of health.

The Board and audience viewed a professionally made video as a part of the award that highlighted Durham's successes.

Vice Chair Howerton requested Assistant County Manager Deborah Craig-Ray to follow up with the NC Association of County Commissioners to see if the video could be shown during the upcoming conference.

The Board commended Ms. Harris on her leadership; and they commended her staff for an outstanding job.

Chairman Page commented that he hoped everyone would embrace the initiative, and it would require elected leaders to be involved.

Consent Agenda

- a. Appoint Chairman Michael Page as delegate for the NC Association of County Commissioners' Conference in Buncombe County, August, 2014;
- *b. Accept the property tax release and refund report for June 2014 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- c. Approve a grant offer from the Federal Aviation Administration (FAA) for the Raleigh-Durham International Airport;
- d. Receive and approve the 2013 Property Tax Settlement Report; charge the Tax Collector with 2014 Property Taxes; and authorize the relieving of taxes that are more than 10 years past due and motor vehicles taxes that are more than 2 years past due;
- *e. Approve Capital Project Amendment No. 15CPA000001 appropriating budgeted County Contribution funds for five capital projects;
- *f. Approve Capital Project Amendment No. 15CPA000002 moving \$1,756,398.11 from eighteen GO Bond funded DPS capital projects to ten GO Bond funded projects;
- *g. Approve Capital Project 15CPA000003 appropriating \$500,000 from the Collection System Rehabilitation Fund fund balance to the new Collection System Rehabilitation Project FY15 (SE051);
- h. Increase the project budget for the Miami Boulevard Force Main Improvements from \$913,185.00 to the amount of \$956,670.00, and to authorize the County Manager to execute any related contracts, not to exceed a total project budget of \$956,670.00;

- i. Approve the attached FY14-15 service contract with Urban Ministries of Durham and authorize him to execute the contract;
- j. Approve the lease extension for 119 Orange Street for the Probation and Parole Division of the court system for an additional three year term, and authorize the Manager to execute the lease extension;
- k. Approve the sale of 2403 Angier Avenue to James Bryant Forehand for \$6,000, 2121 Cheek Road to Walter Lyon for \$1,625 and 1007 Drew Street to Briscoe Enterprises for \$1,950;
- *l. Approve budget Amendment No. 15BCC00001 to appropriate \$397,000 from General Fund fund balance to General Services FY2014-2015 capital budget in order to complete the projects pending from FY14;
- *m. Approve Budget Ordinance Amendment No. 15BCC000002 to recognize funds in the amount of \$100,006 from the NC Department of Health and Human Services Division of Public Health to promote student health in Durham County;
- *n. Approve Budget Ordinance Amendment No. 15BCC000003 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;
- *o. Approve Budget Ordinance Amendment No. 15BCC000004 to recognize funds in the amount of \$25,000 from the Robert Wood Johnson Foundation to promote a culture of health in Durham County;
- *p. Approve Budget Ordinance Amendment No. 15BCC000005 to recognize funds in the amount of \$666.66 from the University of Kentucky Rural Cancer Prevention Center Research Project;
- q. Approve the attached contract with Downtown Durham, Inc. and authorize the County Manager to execute the contract;
- r. Approve the attached contract with Chamber of Commerce and authorize the County Manager to execute the contract;
- s. Approve the attached Lease Amendment with Alliance Behavioral Healthcare for office space in the Human Services Building located at 414 E. Main Street, and authorize the Manger to execute the amendment.

Chairman Page asked the Commissioners if they desired to pull any items. Commissioner Foster requested to pull item “j;” Commissioner Reckhow requested to pull item “d” for comment; and Commissioner Jacobs requested to pull item “r” for comment. Chairman Page asked Commissioners Reckhow and Jacobs to make their comments regarding items “d” and “r.”

Commissioner Reckhow commented that the Board had received tremendous news. The County had finished with an all time high tax collection rate of 99.34% and the second highest among the top ten counties. She commended the Tax Administrator and her staff.

Commissioner Jacobs commented that she was glad to read about the Chamber’s Work plan and wanted to make sure Durham citizens were prepared for jobs. She was happy about the Chamber partnering with the Office of Economic Workforce Development.

Vice Chair Howerton moved, seconded by Commissioner Reckhow, to approve the above listed consent agenda items 6a-s with the exception of j.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. b.

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc. the attached report details releases and refunds for the month of June 2014.

Releases & Refunds for 2014 Taxes	
Personal Property	\$ 9,892.36
Registered Vehicles	\$ 23.41
Total for 2014 Taxes and Fees	\$ 9,915.77

Releases & Refunds for 2013 Taxes	
Real Property	\$ 341.75
Personal Property	\$ 190,323.40
Registered Vehicles	\$ 4,064.01
Vehicle Fees	\$ 120.00
Total for 2013 Taxes and Fees	\$ 194,849.16

Prior year’s (2007-2012) releases and refunds for June 2014 are in the amount of \$86,618.74. The current year and prior year’s releases and refunds amount to \$291,383.67.

Consent Agenda Item No. e.

**DURHAM COUNTY, NORTH CAROLINA
 2014-15 Capital Project Ordinance
 Amendment Number 15CPA000001**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2014-15 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

<i>Capital Project</i>	Current Budget	Inc./Dec.	Revised Budget
Open Space Land Acquisition (DC083)	\$11,200,754.50	\$500,000	\$11,700,754.50
Ongoing Roof Replacement Project (4190DC073)	\$113,746	\$1,864,550	\$1,978,296
Ongoing Parking Resurfacing Project(4190DC074)	\$241,722	\$243,553	\$485,275
Administration Building Refurb Project (4730DC137)	\$0	\$531,744	\$531,744
Downtown Parking Deck Project (4730DC138)	\$0	\$250,000	\$250,000

Adopted this the 28th day of July, 2014.

Consent Agenda Item f.

**DURHAM COUNTY, NORTH CAROLINA
 2014-15 Capital Project Ordinance
 Amendment Number 15CPA000002**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2014-15 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

<i>Capital Project</i>	Current Budget	Inc./Dec.	Revised Budget
Shepard Middle School (SH107)	\$11,456,434.45	(\$96,122.16)	\$11,360,312.29
New Elementary 'E' (SH119)	\$18,811,928.00	(\$312,611.32)	\$18,499,316.68
Playground Updates (SH121)	\$3,000,000.00	(\$20,650.54)	\$2,979,349.46
Jordan High School (SH125)	\$5,106,802.00	(\$298,110.74)	\$4,808,691.26
New High School 'A' (SH126)	\$6,908,246.00	(\$12,938.74)	\$6,895,307.26
Bethesda Elementary (SH137)	\$1,813,433.00	(\$15,965.55)	\$1,797,467.45
R.N. Harris Elementary (SH141)	\$6,151,126.00	(\$121,735.79)	\$6,029,390.21
Parkwood Elementary (SH144)	\$7,424,921.00	(\$147,094.90)	\$7,277,826.10
E.K. Powe Elementary (SH145)	\$3,631,211.00	(\$23,773.56)	\$3,607,437.44
DSA High School (SH148)	\$15,437,309.00	(\$238,504.49)	\$15,198,804.51
DPS/Lakewood YMCA (SH153)	\$12,822,650.51	(\$7,020.39)	\$12,815,630.12
DPS Technology Up (SH156)	\$9,039,174.00	(\$302,725.38)	\$8,736,448.62
DPS Project Contingency (SH157)	\$435,517.12	(\$111,024.54)	\$324,492.58
Pearsontown Elementary (SH211)	\$2,343,875.00	(\$4.25)	\$2,343,870.75
Southwest Elementary (SH212)	\$949,000.00	(\$26.87)	\$948,973.13
George Watts Elementary (SH213)	\$1,146,000.00	(\$2,127.81)	\$1,143,872.19
Bacon Street (SH225)	\$1,560,000.00	(\$44,836.31)	\$1,515,163.69
Carrington Middle (SH228)	\$507,500.00	(\$1,124.77)	\$506,375.23
New Middle 'B' (SH123)	\$31,324,250.00	\$45,008.34	\$31,369,258.34
Mangum Elementary (SH142)	\$2,345,374.00	\$350,189.25	\$2,695,563.25
Merrick Moore Elementary (SH143)	\$4,688,418.00	\$3,248.37	\$4,691,666.37
Y.E. Smith Elementary (SH146)	\$7,564,429.00	\$502,084.45	\$8,066,513.45
DPS Project Management (SH151)	\$2,934,847.00	\$41,028.94	\$2,975,875.94
Holt Elementary (SH207)	\$582,410.00	\$450,000.00	\$1,032,410.00
Brogden Middle (SH215)	\$788,000.00	\$0.01	\$788,000.01
Chewing Middle (SH216)	\$680,000.00	\$2,672.22	\$682,672.22
Lowes Grove Middle (SH218)	\$386,600.00	\$95.00	\$386,695.00
Hillside High (SH221)	\$1,476,608.00	\$362,071.53	\$1,838,679.53

Adopted this the 28th day of July, 2014.

Consent Agenda Item f.

**DURHAM COUNTY, NORTH CAROLINA
2014-15 Capital Project Ordinance
Amendment Number 15CPA000003**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2014-15 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

<i>Capital Project</i>	Current Budget	Inc./Dec.	Revised Budget
Collections Rehabilitation Project FY 15 (SE051)	\$0	\$500,000	\$500,000

Adopted this the 28th day of July, 2014.

Consent Agenda Item No. l

**DURHAM COUNTY, NORTH CAROLINA
FY 2014-15 Budget Ordinance
Amendment No. 15BCC000001**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2014-15 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>
<i>GENERAL FUND</i>			
Other Financing Sources	\$20,648,678	\$397,000	\$21,045,678

Expenditures:

<u>Function</u>			
<i>GENERAL FUND</i>			
General Government	\$92,496,650	\$357,000	\$92,853,650
Environmental Protection	\$ 3,720,399	\$ 40,000	\$ 3,760,399

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

This the 28th day of April, 2014.

Consent Agenda Item No. m.

**DURHAM COUNTY, NORTH CAROLINA
FY 2014-15 Budget Ordinance
Amendment No. 15BCC000002**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2014-15 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	\$54,114,346	\$100,006	\$54,214,352

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$85,939,210	\$100,006	\$86,039,216

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

This the 28th day of April, 2014.

Consent Agenda Item No. n.

DURHAM COUNTY, NORTH CAROLINA
FY 2014-15 Budget Ordinance
Amendment No. 15BCC000003

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2014-15 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	\$54,214,352	\$6,750	\$54,221,102

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$86,039,216	\$6,750	\$86,045,966

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

This the 28th day of April, 2014.

Consent Agenda Item No. o.

DURHAM COUNTY, NORTH CAROLINA
FY 2014-15 Budget Ordinance
Amendment No. 15BCC000004

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2014-15 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	\$54,221,102	\$25,000	\$54,246,102

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$86,045,966	\$25,000	\$86,070,966

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

This the 28th day of April, 2014.

Consent Agenda Item No. p.

DURHAM COUNTY, NORTH CAROLINA
FY 2014-15 Budget Ordinance
Amendment No. 15BCC000003

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2014-15 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	\$54,246,102	\$667	\$54,246,769

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$86,070,966	\$667	\$86,071,633

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

This the 28th day of April, 2014.

Public Hearing to Consider Allocating Economic Development Investment Funds to Argos Therapeutics

Ms. Marqueta Welton, Deputy County Manager, introduced the item. The Board was requested to consider allocating \$925,000.00 in economic development funds to Argos Therapeutics, (Argos), a private biopharmaceutical company headquartered in Durham. Argos is engaged in the research, development and commercialization of fully personalized immunotherapies for the treatment of cancer and infectious diseases based on its Arcelis™ technology platform. The company traces its roots to Duke University where company founders developed a unique RNA-based technology.

The Board initially approved an incentive in the amount of \$600,000.00 on February 10, 2014 for the company's proposed plans to invest \$47.25M in the construction of a new 116,000sf headquarters, research & development and manufacturing center. The company was considering the Durham site along with sites in four other North Carolina counties as well as sites in Florida and Quebec Canada. Argos has increased its planned capital investment by \$10.25M and now intends to invest approximately \$57.5M in the project.

As incentives are a key consideration in the company's decision of where it will locate the center, the Board was asked to increase the County's offer to \$925,000.00 to bring the project and new jobs to Durham. The project would bring a 120,000sf state of the art facility and 236 new jobs to the community by 2018 and allow Durham to retain 100 existing jobs. New jobs would include scientific and technical manufacturing jobs, as well as administrative, research and development jobs. The project would create construction jobs, as well as contract jobs for services such as security and maintenance.

Commissioner Foster asked for clarification on the job increase and what the County would be getting for the increased incentive. Ms. Welton clarified that the company had added 10 jobs since the last conversation with the Board. The Board was asked to increase the incentive due to the competition.

Ms. Welton stated that the company had selected a vacant site in the Research Triangle Park.

Chairman Page opened the public hearing.

Mr. Ted Conner, Vice President of the Greater Durham Chamber of Commerce, spoke in favor of Argos. He added that Durham would become the epicenter serving patients with renal cancer. He noted that Durham Technical Community College had added two new programs to help Durham residents prepare for the jobs that would be available at Argos.

Chairman Page closed the public hearing.

Commissioner Jacobs expressed her support for the incentive and was happy that Durham Technical Community College was a partner in helping prepare Durham residents for the jobs.

Commissioner Reckhow stressed that it was a great opportunity if "we prepared our citizens for the jobs." She spoke about the BRITE program at NCCU being a partner as well. Chairman Page concurred with Commissioner Reckhow's comments and expressed his support.

Vice Chair Howerton invited Mr. Randal Goller, Director of Facilities with Argos to speak. Mr. Goller thanked Durham for the support and commented on the excellent talent that had come out of the community within the past six years.

Commissioner Reckhow moved, seconded by Vice Chair Howerton to approve the incentive as recommended.

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

Amanda Borer
Pamela O' Quinn
Dana Powell

Criminal Justice Advisory Committee

Adam Clayton (Sheriff or Designee)
Gayle Harris (Public Health Director)

Durham Convention Center Authority

Alice L. Sharpe

Juvenile Crime Prevention Council

DeWarren Langley (Business Community)
Umar Muhammad (Non-Profit Community)

Women's Commission

Sharon Brinson
Carnetta Reid

Closed Session

Vice Chair Howerton moved, seconded by Commissioner Reckhow, 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).

The motion carried unanimously.

Reconvene to Open Session

Chairman Page announced that the Board met in Closed Session to evaluate the performance of the following appointed and elected officials – the County Attorney, County Clerk, Tax Administrator, and Register of Deeds. The following motions were made as a result of Closed Session:

Vice Chair Howerton moved, seconded by Commissioner Jacobs to give all of the above named officials a 3 % pay increase effective July 1, 2014.

Ayes: Howerton, Jacobs, Page, Reckhow
Noes: Foster

Commissioner Reckhow moved, seconded by Commissioner Jacobs to increase Kimberly Simpson's (Tax Administrator) salary to \$120,532, and then apply the 3% increase; and award two years insurance credit toward 20 years.

Ayes: Jacobs, Page, Reckhow
Noes: Howerton, Foster

Vice Chair Howerton spoke about fairness. She and Commissioner Foster agreed that they had no problem with the insurance credit.

Commissioner Foster moved, seconded by Commissioner Reckhow to give Michelle Parker-Evans (Clerk) a \$1500 vehicle allowance rolled into her salary.

The motion carried unanimously.

Adjournment

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

The motion carried unanimously.

Respectfully Submitted,



V. Michelle Parker-Evans
Clerk to the Board