

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

Monday, September 22, 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 Commissioner Wendy Jacobs

Absent: Commissioners Fred Foster, Jr. and Ellen W. Reckhow

Presider: Chairman Michael D. Page

Opening of Regular Session—Chairman Page opened the meeting and invited everyone to join in the Pledge of Allegiance.

Agenda Adjustments – Chairman Page announced that Commissioners Foster and Reckhow were attending a conference and were excused from the meeting.

Announcements

Chairman Page made the following announcements:

- 1) "The FY2014-2015 Matching Grant Program of the Durham Open Space and Trails Commission application process will be from September 1 until November 14, 2014. 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 FY2014-15 Matching Grant funds must submit an application by the November 14, 2014 deadline. The Matching Grant Program application and FY 2014-15 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.
- 2) "In Touch with Durham County," the Durham County Television show, airs daily on Durham Television Network (DTN) 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.
- 3) 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.

- 4) "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.
- 5) 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.

Vice Chair Howerton made an announcement regarding an event being sponsored by the Women's Commission on October 4 at 302 W. Main Street. She encouraged the community to support the event to learn more about resources available for women and families in Durham.

Minutes

Commissioner Jacobs moved, seconded by Vice Chair Howerton, to approve as submitted the September 2, 2014 Worksession Minutes and September 8, 2014 Regular Session Minutes of the Board.

The motion carried unanimously.

Proclamation Honoring Dr. Elmira Mangum on Her Upcoming Inauguration as President of Florida A&M University (FAMU)

Chairman Page recognized the accomplishments of Durham native, Dr. Elmira Mangum. He acknowledged her sister, Ms. Laharve Johnson, who was present to receive the proclamation. He read the following proclamation into the record:

DR. ELMIRA MANGUM

WHEREAS, Dr. Elmira Mangum took office as the 11th President of Florida A&M University on April 2, 2014 following her selection by the Board of Trustees as the first ever female president; and

WHEREAS, Dr. Mangum, a native of Durham, attended North Carolina Central University prior to continuing her education at the University of Wisconsin-Madison receiving two Master's Degrees, and attending the University of Buffalo where she earned her Ph.D. in Educational Leadership and Policy; and

WHEREAS her meteoric rise through academia includes serving as Vice President for Budget and Planning at Cornell University, the position she held prior to her current appointment, as well as critical administrative leadership positions at the University of Wisconsin-Madison, the University of North Carolina at Chapel Hill and the University of Buffalo; and

WHEREAS, Dr. Mangum, who is highly regarded as a dynamic change leader, has brought more than 28 years of experience as a higher education executive to this new leadership role and is perfectly positioned to take this historic academic institution to the next level of excellence.

NOW, THEREFORE, I, Michael D. Page, Chairman of the Durham County Board of Commissioners and on behalf of the Durham County Board of Commissioners, do hereby proclaim Friday, October 3rd as

"DR. ELMIRA MANGUM DAY"

in Durham County, in recognition of her official inauguration as President of Florida A&M University and in celebration of a week of activities from September 28th through October 4th. We call upon all citizens in Durham County to join in extending sincere best wishes to Dr. Elmira Mangum for a long and successful tenure as President.

This the 22nd day of September, 2014

Michael D. Page, Chairman
Durham Board of County Commissioners

Chairman Page indicated that the proclamation would be forwarded to Florida A&M University to become a part of the official program for Dr. Mangum.

Ms. Johnson expressed appreciation on behalf of her sister, Dr. Mangum.

Resolution Recognizing Congressman John Lewis, Durham Reads Together 2014 Author

Chairman Page read the following resolution into record:

Congressman John Lewis

WHEREAS, Congressman John Lewis is an American icon and a key figure in the Civil Rights Movement; and

WHEREAS, Congressman Lewis was born the son of sharecroppers on February 21, 1940, outside of Troy, Alabama, and grew up on his family's farm and attended segregated public schools in Pike County, Alabama; and

WHEREAS, as a young boy, he was inspired by the activism surrounding the Montgomery Bus Boycott and the words of the Rev. Martin Luther King Jr.; and

WHEREAS, as a young man, Congressman Lewis organized sit-in demonstrations at segregated lunch counters in Nashville, Tennessee, and participated in the Freedom Rides, which challenged segregation at interstate bus terminals across the South; and

WHEREAS, he helped form and was named Chairman of the Student Nonviolent Coordinating Committee (SNCC), which was largely responsible for organizing student activism in the Movement, including sit-ins and other activities; and

WHEREAS, Congressman Lewis was an architect of and a keynote speaker at the historic March on Washington in August 1963; and

WHEREAS, he was elected to Congress in November 1986 and has served as U.S. Representative of Georgia's Fifth Congressional District since then; and

WHEREAS, Congressman Lewis is the co-author of the #1 New York Times bestselling graphic novel memoir trilogy *March*, an important documentation of his life-long struggle for civil and human rights; and

WHEREAS, *March* has been selected for Durham Reads Together 2014.

NOW, THEREFORE, BE IT RESOLVED that we the members of the Durham County Board of Commissioners do hereby salute

CONGRESSMAN JOHN LEWIS

for his commitment to justice and nonviolence and we call upon all citizens of Durham County to join us in reading *March: Book One*, and discussing Durham's civil rights history as a community throughout the month of October.

This the 22nd day of September, 2014

Michael D. Page, Chairman

Brenda A. Howerton, Vice-Chairman

Wendy Jacobs

Fred Foster, Jr.

Ellen W. Reckhow

Chairman Page emphasized that the Reads Together program was a great way to engage the entire community. He encouraged the community to get involved.

Ms. Tammy Baggett, Library Director, highlighted the initial events that Congressman Lewis would be participating in along with other elected officials. She encouraged individuals to get the book by Congressman Lewis. There would be 25 events as a part of the Reads Together program.

Commissioner Jacobs wanted to ensure that staff was marketing the events so the public would be informed of the events.

Vice Chair Howerton thanked Ms. Baggett for her efforts in getting the Congressman here and encouraged youth to participate.

Proclamation to Recognize Minority Enterprise Development (MED) Week October 6 – October 10, 2014

Chairman Page spoke about the importance of the MED week. He encouraged commissioners to participate in the activities if possible. He read the following proclamation into the 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, Michael D. Page, on behalf of the Board of County Commissioners of Durham County, hereby proclaim that October 6 - October 10, 2014 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 22nd day of September, 2014

Michael D. Page, Chair
Durham Board of County Commissioners

Chairman Page recognized Ms. Victoria Peterson who signed up to speak. She expressed concern about the lack of breakdown of minority groups. She also expressed concern about African Americans not getting contracts on large projects in Durham County. She felt the program was deceptive. In her opinion, everyone was now considered a minority.

County Manager Davis responded that the City and County were close to completing the most recent disparity study. He reminded Ms. Peterson that the Croson Study, which governed the ability to manage contracts, was still standing. He assured Ms. Peterson that the results of the new study would be shared as soon as they were completed.

Ms. Pamela Gales, Assistant Purchasing Manager, thanked the Board for their support. She shared the activities that were planned for the week, and invited the Board to participate as their schedules permitted.

The Board thanked Ms. Gales for her work and for the collaboration with the City.

Consent Agenda

- a. *Accept the property tax release and refund report for August 2014 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- b. *Approve Capital Project Amendment No. 15CPA000004 to officially close 4 completed projects allowing them to become final assets and begin depreciation. The County Manager also recommends that the Board approve Budget Ordinance Amendment No. 15BCC000010 transferring the estimated \$6.339 million of unspent project funds to the Sewer Utility Fund with the restricted portion of these funds (\$2.113 million) to be used to support debt service payments related to the projects for fiscal year 2015;
- c. Approve the 9-1-1 Emergency Communications Inter-local Cooperation Agreement between the City of Durham and the County of Durham that provides for the coordination of emergency dispatch operations and the efficient delivery of emergency services to the citizens of the City and County;
- d. Approve the contract extension with Contract Enterprises of NC to provide reviews of specialized properties in Research Triangle Park and Downtown Durham and include analysis on industrial and commercial properties in connection with activities for the 2016 General Reappraisal;
- e. *Approve Budget Ordinance Amendment No. 15BCC000011 for FY2015 amending the budgets for the outstanding encumbrances at fiscal year-end 2014;

- f. Approve the contract amendment with Womble Carlyle Sandridge & Rice, LLP in an amount not to exceed \$80,000 and authorize the County Manager to execute the contract;
- g. Approve the funding of Planned Parenthood Health Systems after their merger with Planned Parenthood of Central North Carolina on January 1, 2015;
- h. Appoint Vice Chair Howerton to the Durham Technical Community College Board of Directors;
- i. *Approve Budget Ordinance Amendment No. 15BCC000013 to recognize funds in the amount of \$9,439 from NCDHHS Women's and Children's Health Section Nutrition Services Branch.

Chairman Page asked the Commissioners if they desired to pull any items. No items were pulled by Commissioners. Item 8g was pulled by Ms. Victoria Peterson.

Vice Chair Howerton moved, seconded by Commissioner Jacobs, to approve the above listed consent agenda items 6a-i with the exception of g.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. a.

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 August 2014.

Releases & Refunds for 2014 Taxes

Real Property	\$ 52,983.11
Personal Property	\$ 164,682.91
Solid Waste	<u>\$ 1,529.00</u>
Total for 2014 Taxes and Fees	\$ 219,195.02

Prior years (2008-2013) releases and refunds for August 2014 amount to \$40,958.11. The current year and prior years' releases and refunds total \$260,153.13.

Consent Agenda Item No. b.

DURHAM COUNTY, NORTH CAROLINA
FY 2014-15 Budget Ordinance
Amendment No. 15BCC000010

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>ENTERPRISE FUND</u>			
Other Financing Sources	\$ 500,000	\$6,339,623	\$ 6,839,623

Expenditures:

Function
ENTERPRISE FUND

Utilities	\$8,021,269	\$6,339,623	\$14,360,892
-----------	-------------	-------------	--------------

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

This the 22nd day of September, 2014.

Consent Agenda Item No. e.

DURHAM COUNTY, NORTH CAROLINA
 FY 2014-15 Budget Ordinance
 Amendment No. 15BCC000011

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>			
Other Financing Sources	\$21,045,678	\$1,811,971	\$22,857,649

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$ 92,833,700	\$464,971	\$93,298,671
Public Safety	\$ 53,371,208	\$719,494	\$54,090,702
Environmental Protection	\$ 3,760,399	\$ 88,784	\$ 3,849,183
Economic and Physical Development	\$ 5,269,761	\$ 68,275	\$ 5,338,036
Human Services	\$ 86,103,374	\$470,448	\$86,573,822

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

This the 22nd day of September, 2014.

Consent Agenda Item No. i.

DURHAM COUNTY, NORTH CAROLINA
 FY 2014-15 Budget Ordinance
 Amendment No. 15BCC000013

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	\$54,273,252	\$9,439	\$54,282,691

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$86,573,822	\$9,439	\$86,583,261

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

This the 22nd day of September, 2014.

Comments on Proposed Rules for Hydraulic Fracturing In North Carolina

Ms. Tobin Freid, Sustainability Manager, introduced the item. She reminded the Board that the NC Department of Environment and Natural Resources (DENR) released the proposed rules on hydraulic fracturing (fracking) in July and comments were due September 30. She recognized additional staff who participated in reviewing the rules and drafting comments.

After reviewing the rules, staff determined that the rules did not protect water quality, reducing methane emissions, safeguarding health and well-being of our residents, and the ability of local governments to receive notification of and respond to fracking operations in our jurisdictions, particularly in the case of emergencies or contamination.

Ms. Freid noted Commissioner Reckhow's comments in the permitting section, Bullet 6, to delete the word "minimum." The sentence would read, "It is our recommendation that a portion....."

Commissioner Reckhow also suggested that a cover letter be written to DENR along with a copy to the NC Association of County Commissioners with the following points:

- 1) Strong rules are critical to protecting the public health, safety and welfare as we begin to allow hydraulic fracturing in the state;
- 2) Counties should be allowed to recover the costs associated with monitoring and supporting fracking operations.

Staff concurred with the recommendations and agreed to make the changes if the Board agreed. Ms. Freid recommended adding a third point which would be that local governments needed to know about and approve potentially hazardous activities in their jurisdictions, including receiving copies of permits, plans and reports that contractors would send to the State; and also the ability to approve plans that would require local resources such as emergency response, etc.

Commissioner Jacobs thanked staff for the outstanding report. She inquired about next steps. Ms. Freid responded that the comments would go back to the Mining Commission and DENR. Commissioner Jacobs suggested that the information also be sent to our local Delegation so they would be able to see the staff comments included in the report.

Commissioner Jacobs expressed concern about the unknown safety hazards for workers.

Chairman Page asked Ms. Freid to include something in the letter about the safety of workers.

Chairman Page recognized Ms. Victoria Peterson. Ms. Peterson inquired about a meeting being set up for the citizens of Durham to be informed about fracking. She would like to see a meeting set up to be more informed about the industry; preferably in the African American community.

Commissioner Jacobs replied that the Environmental Affairs Board would be the local experts on the matter.

Chairman Page directed staff to submit the comments to DENR.

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

Jessika M. Walker (Howerton, Page, Jacobs)

Jenna Meints (Page, Jacobs)

Audit Oversight Committee

Jenna Meints (Howerton, Page, Jacobs)

Community Child Protection Team/Child Fatality Prevention Team

Jeffrey S. Clark (Howerton, Jacobs, Page)

Juvenile Crime Prevention Council

Stephanie L. Williams (Howerton, Jacobs, Page)

Library Board of Trustees

Mrinmay "Moy" Biswas (Howerton, Jacobs, Page)

Melissa B. Kimathi (Howerton, Jacobs, Page)

Dawn Trembath (Howerton, Jacobs, Page)

Workforce Development Board

Michael Becketts (Howerton, Jacobs, Page)

Items Pulled from Consent Agenda

Chairman Page recognized Ms. Victoria Peterson who pulled item 8g of the Consent Agenda.

- g. Approve the funding of Planned Parenthood Health Systems after their merger with Planned Parenthood of Central North Carolina on January 1, 2015;

Ms. Peterson was concerned about Durham County funding Planned Parenthood. She requested that the organization go thru the same process as other nonprofits. She asked for the dollar amount; how many Durham women were served; and where the facility was located. She expressed her opinions on abortions and how she did not feel comfortable with her tax dollars being spent on the organization.

County Manager Davis clarified that the nonprofit went thru the traditional process and met the criteria to receive the funding. The local agency was merging with a larger entity. The services would not be impacted.

Commissioner Jacobs identified the location of the clinic and stated that the money was for health education.

Vice Chair Howerton moved, seconded by Commissioner Jacobs to approve item 8g.

The motion carried unanimously.

County Manager Davis recognized Deputy County Manager Lee Worsley, for his stellar work in helping to organize a successful ICMA conference in Charlotte, North Carolina.

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