

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

Monday, October 27, 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 W. Reckhow

Absent: None

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 – There were no adjustments.

Announcements

Chairman Page made the following announcements:

- 1) The Board of County Commissioners will not hold a Worksession during the month of November. Citizen comments will be received at the November 10, 2014 Regular Session at 7:00 pm.
- 2) The Durham County Department of Public Health and Durham Diabetes Coalition are hosting a combined Robert Wood Johnson Foundation Culture of Health prize celebration and Take a Loved One to the Doctor event at the Durham County Human Services Building, Nov. 1, 10:00 a.m.-2:00 p.m. This year's event will begin with a short Culture of Health prize celebration and feature fitness and cooking demonstrations, activities for kids, free screenings for asthma, blood pressure, diabetes, HIV and other sexually transmitted infections and a fresh produce giveaway from Veggie Van. A limited supply of free flu shots will be available to children eligible for the vaccines for children program.
- 3) 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.

- 4) "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.
- 5) 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.
- 6) "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.
- 7) 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.

Commissioner Jacobs reminded everyone of early voting and gave locations. She reminded everyone of the new location for the Board of Elections and encouraged everyone to participate in the process. Chairman Page added that everyone should pay attention to the hours for early voting. Commissioner Foster announced that North Carolina Central University would be holding a rally on Tuesday and encouraged students to participate in the process. Commissioner Reckhow commented on citizens who expressed concerns about parking. She stated that the County needed to examine the situation going forward. Vice Chair Howerton commended the officers for their assistance at the polling sites.

Minutes

Commissioner Reckhow moved, seconded by Commissioner Jacobs, to approve as submitted the October 6, 2014 Worksession Minutes and September 22, 2014 Regular Session, and October 13, 2014 Minutes of the Board.

The motion carried unanimously.

Resolution Honoring Dr. John Thomas Daniel, Jr.

Chairman Page recognized the services of Dr. John Daniel and thanked his family for sharing him with the community. He acknowledged Dr. Daniel's family and read the following resolution:

DR. JOHN THOMAS DANIEL, JR.

WHEREAS, Dr. John Thomas Daniel, Jr., was born on March 29, 1934 in New Hanover County, NC and upon graduation from Palmer Memorial Institute in Sedalia, NC, he enrolled in Howard University graduating with a Bachelor of Science Degree in 1955; and

WHEREAS, after serving as a Commissioned Officer in the U. S. Air Force from 1955-1960, he returned to Howard University's Medical School obtaining his Doctor of Medicine Degree in 1964; and

WHEREAS, following internship and residency, Dr. Daniel came to Durham as a general surgeon and began his 45-year odyssey of providing quality medical service in this community; and

WHEREAS, Dr. Daniel served as Medical Director for the N. C. Mutual Life Insurance Company, Assistant Clinical Professor of Surgery at Duke University Medical Center and also became the first African-American President of the North Carolina Board of Medical Examiners; and

WHEREAS, Dr. Daniel was as a member of the Durham Board of Public Health, influencing the health status of Durham County residents with his research and support of the Durham County Smoking Rule and the recommendation that the City of Durham continue fluoridation in its municipal water and other key issues impacting health in our community; and

WHEREAS, he held numerous memberships and leadership roles in local, state and national organizations including Omega Psi Phi Fraternity, Sigma Pi Phi Fraternity, Howard University Alumni Association, the Old North State Medical Society, the North Carolina Medical Society, the American College of Surgeons and the National Medical Association to name a few; and

WHEREAS, Dr. Daniel will forever be remembered for dedicating his professional life to enhancing health in the Durham community and beyond.

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

DR. JOHN THOMAS DANIEL, JR.

For his lifelong work as a gifted and highly respected physician and surgeon.

BE IT FURTHER RESOLVED that we call upon all citizens of Durham County to remember this great man, and the tremendous legacy that lives on as a testament to his accomplishments.

This the 27th day October, 2014

/s/ All Five Commissioners

Vice Chair Howerton acknowledged her appreciation for serving with Dr. Daniel on the Public Health Board.

Ms. Gayle Harris, Public Health Director, thanked the family for sharing Dr. Daniel. She commented that he always added value to the meetings and was an excellent Board member.

Dr. James Miller, Public Health Board Chair, expressed his appreciation for having spent time with Dr. Daniel. He spoke about how Dr. Daniel had helped to work thru some very challenging topics and was very insightful. The Public Health Board planned to have a plaque made in Dr. Daniel's honor and would have it sent to the family.

Introduction of new Budget and Management Services Director

County Manager Wendell Davis thanked Mr. Keith Lane for serving as Interim Budget Director. Manager Davis recognized Ms. Claudia Odom Hager as the new Budget and Management Services Director, and shared her credentials.

Ms. Hager commented that she was excited to be back and looked forward to working with old and new team members.

The Board expressed appreciation to Keith Lane and welcomed Claudia Odom Hager back.

Consent Agenda

Chairman Page asked if anyone desired to pull any consent items from the following list. He noted that item #i had been removed. Commissioner Jacobs requested two comments on items #b and #c.

Vice Chair Howerton moved, seconded by Commissioner Reckhow to approve items #a-n with the exception of item #i which was removed.

The motion carried unanimously.

Commissioner Jacobs commented on item #b. She pointed out that it was a creative and innovative idea of Public Health to issue prescriptions for pregnant mothers to have fresh fruits and vegetables.

Commissioner Jacobs also called attention to item #c that First Presbyterian Church has created a Memorandum of Understanding with DSS to offer support to our community. She added that we needed other community partners, especially faith organizations to help be a safety net for DSS. Commissioner Reckhow asked the Chair to write a letter to First Presbyterian to thank them for their efforts. She also asked that staff spell out names of organizations in the agenda.

- a. Approve the attached Final Plat for the permanent Duke Energy Progress Easement to allow the relocation of the electrical transformer at the Holland St. hotel; and a temporary construction easement to allow construction access for the City of Durham to replace the existing 4" line with a new 8" line in association with the Downtown Waterline Replacement project;
- b. *Approve Budget Ordinance Amendment No. 15BCC000014 to recognize funds in the amount of \$5,000 from the North Carolina Public Health Association, Inc. for the Durham County Department of Public Health Durham FreshFoodRx to promote vegetable consumption for expecting mothers;
- c. *Approve budget Ordinance No. 15BCC000015, recognizing a donation from FPC at a minimum of \$1,875 for housing and utility assistance, and \$125 for medical assistance per quarter; a total of \$8,000 for FY 2014-15;
- d. *Authorize the Sheriff's Office to accept the award in the amount of \$53,933 from the Bureau of Justice Assistance and approve Budget Ordinance Amendment No. 15BCC000016 amending the Sheriff's Budget as requested to support overtime staffing costs;
- e. *Approve Budget Ordinance Amendment No. 15BCC000017 to appropriate \$3,152.00 in funding from the NC State University – College of Agriculture and Life Sciences to support Durham Cooperative Extension commercial mail;

- f. *Approve a budget amendment in the amount of \$682,089.44 to appropriate restricted funds for the Sheriff's Office, CJRC, Fire Marshall, Library, Public Health, Social Services and Cooperative Extension;
- g. *Approve budget Ordinance No. 15BCC000019, recognizing \$1,650 in funds from Addiction Professionals of NC, NAMI, Alliance BHC, Recovery Communities, Urban Ministries and Alcohol Drug Council of NC to support 2014 Recovery Celebration;
- h. Approve the revised membership and charter of the Criminal Justice Advisory Committee;
- i. **This item has been removed;**
- j. Authorize the County Manager to execute the economic development agreement with Purdue Pharma Manufacturing, L.P. for the location of a manufacturing facility in Durham;
- k. Petition NCDOT to remove Kentington Drive (SR 2212), Chanticleer Drive (SR 2214), and Chadron Road (SR 2215) from the Secondary Road Maintenance System;
- l. Approve the sole source exemption and authorize the County Manager to enter into a contract with Lawmen's Safety Supply, in the amount of \$61,113.81;
- m. Endorse Ms. Patricia A. Bynum for the Region J Advisory Council on Aging;
- n. Authorize the County Manager to sign the Interlocal Agreement with the City of Durham regarding construction of pavement on Main, Queen and Dillard Streets.

*Document(s) related to this item follow:

Consent Agenda Item No. b.

DURHAM COUNTY, NORTH CAROLINA
 FY 2014-15 Budget Ordinance
 Amendment No. 15BCC000014

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	\$54,282,691	\$5,000	\$54,287,691

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$86,583,261	\$5,000	\$86,588,261

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

This the 27th day of October, 2014.

Consent Agenda Item No. c.

DURHAM COUNTY, NORTH CAROLINA
FY 2014-15 Budget Ordinance
Amendment No. 15BCC000015

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>			
Contributions and Donations	\$49,767	\$8,000	\$57,767

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$86,588,261	\$8,000	\$86,596,261

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

This the 27th day of October, 2014.

Consent Agenda Item No. d.

DURHAM COUNTY, NORTH CAROLINA
FY 2014-15 Budget Ordinance
Amendment No. 15BCC000016

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	\$54,287,691	\$53,933	\$54,341,624

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Public Safety	\$54,090,702	\$53,933	\$54,144,635

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

This the 27th day of October, 2014.

Consent Agenda Item No. e.

DURHAM COUNTY, NORTH CAROLINA
FY 2014-15 Budget Ordinance
Amendment No. 15BCC000017

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	\$54,341,624	\$3,152	\$54,344,776

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$ 5,338,036	\$3,152	\$5,341,188

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

This the 27th day of October, 2014.

Consent Agenda Item No. f.

DURHAM COUNTY, NORTH CAROLINA
FY 2014-15 Budget Ordinance
Amendment No. 15BCC000018

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	\$24,745,090	\$682,089	\$25,427,180

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$54,144,635	\$292,823	\$54,437,458
Economic and Physical Development	\$ 5,341,188	\$ 51,494	\$ 5,392,682
Human Services	\$86,596,261	\$337,015	\$86,933,275
Cultural and Recreation	\$11,577,370	\$ 757	\$11,578,127

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

This the 27th day of October, 2014.

Consent Agenda Item No g.

DURHAM COUNTY, NORTH CAROLINA
FY 2014-15 Budget Ordinance
Amendment No. 15BCC000019

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	\$54,344,776	\$600	\$54,345,376
Contributions & Donations	\$57,767	\$1050	\$58,817

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$54,437,458	\$1,650	\$54,439,108

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

This the 27th day of October, 2014.

Approval of Interlocal Agreement Governing the Durham Convention Center

Chairman Page recognized Mr. Drew Cummings, Assistant County Manager to introduce the item. Mr. Cummings acknowledged Mr. Patrick Byker, Chair of the Convention Center Authority, and members of the City of Durham General Services Department. He indicated that the new agreement would make the Convention Center truly a joint venture.

The new agreement would include the entire property including the plaza, the air lease revenue, third party contracts, and would create a fund balance. Mr. Cummings commented that there had been a savings over the past three years.

Commissioner Reckhow inquired if there was no expected deficit, would there be a need to budget funds. Mr. Cummings responded that there would still be a need to budget funds; however, at the end of the year, if there were excess funds, a check would be written to the City and County. He added that there were some funds in the account that would not typically be there. The primary goal would be to even out the funding request.

Mr. Patrick Byker thanked City and County staff for their work. Mr. Byker spoke about operational efficiency as the remaining challenge for the Convention Center. He asked for the Board's support on this item to help resolve that issue.

Commissioner Reckhow questioned the air lease. Mr. Byker responded that revenue had been less than \$300,000, but that could change due to the increase in hotel rooms downtown. The funds had been used to offset the budget. Mr. Byker indicated that the agreement would formalize that process.

Commissioner Jacobs moved, seconded by Vice Chair Howerton to approve the Interlocal Agreement governing the Durham Convention Center and authorize the County Manager to execute it.

The motion carried unanimously.

Request to Fund Several Small Capital Upgrades at Durham Convention Center Out of Operating Revenue

Mr. Cummings introduced the item. He spoke about an operating reserve. Per the approval of the Interlocal agreement, the Board was requested to approve three small capital upgrades needed this fiscal year and to convert any remaining, older capital funds to operating funds for the new Convention Center operating reserve.

The following upgrades were requested:

- Heating solution for Pre-Function Corridor (\$55,000)
- Replacement of all Grand Ballroom light fixtures (30% of which no longer work) with new and also much more energy-efficient LED fixtures (\$190,000)
- Consultant analysis and equipment upgrades to facilitate more accurate division of utility costs with hotel (\$41,500)

Commissioner Foster asked for clarification on the lighting cost. Mr. Cummings explained that initially the plan was to phase in the lighting, but since additional funds were realized, the plan was to replace all of the lighting in the ballroom.

Commissioner Jacobs asked if there would be an energy audit. Mr. Joel Reitzer, City of Durham General Services Director, commented that there would be a 70.5% efficiency in savings on energy bills or a payback of nine years in investment on LEDs. He indicated that a retro-commissioning of the facility would take place to ensure a fair split of the bills. Commissioner Jacobs suggested that an energy audit might be a good idea.

Vice Chair Howerton asked whether the consultant had been selected. Mr. Reitzer responded that a consultant had not been selected. He did confirm that they were looking at local firms.

Commissioner Reckhow commended the new landscaping in the plaza area. She questioned the sporadic operation of the fountain. Mr. Reitzer stated that the fountain was a work in progress. Because of the age of the fountain, it required several repairs.

Commissioner Reckhow hoped that visitors could get a progressive view of our city from the plaza with nicely designed trash receptacles. She suggested that the idea should be pursued, especially as it related to encouraging recycling more in public areas.

Mr. Byker commented on the work of the Board members, and asked the Commissioners for support.

Vice Chair Howerton moved, seconded by Commissioner Jacobs seconded to approve the requested use of existing operating reserves from the Durham Convention Center for three small capital upgrades needed this fiscal year and allow conversion of any remaining, older DCC capital funds to operating funds for the DCC operating reserve.

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):

Alliance Behavioral Healthcare Board

Amelia P. Thorpe (All)

Bicycle and Pedestrian Advisory Commission

Clifford Conklin (Page, Reckhow, Foster)

Ivona Piper (Howerton, Reckhow, Jacobs, Foster)

Historic Preservation Commission

Joseph Jordan (All)

Juvenile Crime Prevention Council

Javonte Carver (Foster, Jacobs, Page, Howerton)

Nursing Home Community Advisory Committee

Mary Foley (All)

Pamela Humphrey-Stokes (All)

Workforce Development Board

Dr. Wanda Lester (All)

Closed Session

The Board of Commissioners 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).

Reconvene to Open Session

The Chair announced that the Board met in Closed Session. No action was taken.

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