



# Durham County

200 E. Main Street  
Durham, NC 27701  
(919) 560-0025

## Meeting Minutes Board of County Commissioners

*Michael D. Page, Chair*  
*Brenda A. Howerton, Vice Chair*  
*Fred Foster, Jr., Commissioner*  
*Wendy Jacobs, Commissioner*  
*Ellen W. Reckhow, Commissioner*

**Commissioners' Chambers**

**Monday, December 14, 2015**

**7:00 PM**

### **7:00 pm Regular Session**

#### **Opening of Regular Session - Pledge of Allegiance**

#### **Agenda Adjustments:**

Chairman Page announced there were no agenda adjustments. He also recognized Milo Payne, Vice President of the Eno River Association, and allowed him to share a short presentation and distribute 2016 calendars.

#### **Announcements:**

Chairman Page read the following announcements:

- 1) The Board of County Commissioners will not meet in Regular Session on December 28<sup>th</sup>. The next meeting of the Board will be held on January 4, 2016 at 9:00 am.
- 2) Please contact the Clerk's Office at 919-560-0025 or [clerk@dconc.gov](mailto:clerk@dconc.gov) to find out about opportunities to serve on one of our volunteer boards or commissions.
- 3) We invite you to tune in to Cable TV Channel 8 or 97-5 to see rebroadcasts of tonight's meeting as well as other Durham County programming that may be of interest to you. Please contact the Public Information Office at 919-560-0008 or our website [www.dconc.gov](http://www.dconc.gov) for more information.
- 4) These announcements may also be found on the County's website or you may call the Clerk's Office at 919-560-0025.

#### **Minutes:**

Commissioner Reckhow moved, seconded by Vice Chair Howerton, to approve the

November 23, 2015 Regular minutes.

The motion carried unanimously.

**Ceremonial Items:**

**15-783 Proclamation - Champions in Transportation Week**

Chairman Page read the following proclamation:

**CHAMPIONS IN TRANSPORTATION WEEK | 2015**

**WHEREAS**, the demand response transportation service provided by Durham County ACCESS provides a vital link to mobility, independence and enhances the quality of life for Durham County residents; and

**WHEREAS**, Durham County ACCESS serves the mobility needs of the most important people – “our customers”--the transportation disadvantaged, elderly, disabled, rural general public and transportation to work riders -- allowing individuals not able to utilize the fixed route system a safe and dependable trip to medical appointments, shopping, employment and other supportive services; and

**WHEREAS**, the Durham County ACCESS Demand Response service utilizes a coordinated model—a shared ride system that provided over 60,000 trips to Durham County residents, nearly 20,000 provided by Durham County ACCESS alone in FY15; and

**WHEREAS**, the foundation of Durham County ACCESS Demand Response transportation network is built on a collaborative effort of the Durham County, City of Durham, the North Carolina Department of Transportation, Durham Chapel Hill Carrboro MPO and the Federal Transit Administration that work collectively to assure resources and policies are established to enhance the operations and provide the administrative and capital grants to support and strengthen the transportation network; and

**WHEREAS**, Durham County ACCESS wishes to acknowledge the major contributions of the Durham County family, the riders, the public transit professionals, Purchase of Service Partners, First Transit, Durham County Cooperative Extension, City of Durham and the Durham County Transportation Advisory Board for their commitment, dedication to performance excellence; and

**WHEREAS**, Durham County ACCESS is thankful to the riders for their continued support but most importantly recognize that they represent the heart of our service, are the voice of advocacy and the purpose for which we serve; and

**WHEREAS**, We take time this month to bring greater awareness to the transportation services provided by Durham County ACCESS, applaud the leadership of our partners and thank our customers.

**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 the week of December 14, 2015 as

**“DURHAM COUNTY ACCESS TRANSPORTATION AWARENESS AND CUSTOMER SERVICE WEEK”**

in Durham County, North Carolina.

This the 14<sup>th</sup> day of December, 2015.

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Michael D. Page, Chairman  
Durham Board of County Commissioners

Linda Thomas-Wallace, Transportation Program Manager with Durham County Access thanked the Board for the proclamation and its continued support.

The Board thanked Ms. Thomas-Wallace for her hard work and leadership.

**15-769 Recognition of Durham County Employee Alanna Jones and Durham County Employers for Their Commitment to Sustainable Transportation Choices**

Chairman Page recognized Alanna Jones, Social Work Supervisor III for using sustainable transportation and for being instrumental in assisting her co-workers with using smart transit.

Ms. Jones thanked the Board for the opportunity offered to all County employees of discounted GoPass bus passes. She mentioned her commute allowed her free time to herself along with the opportunity to get to work at an early hour.

Chairman Page also recognized the following:

- Duke University – “Employer Commute Champion”
- American Tobacco Campus – “Employer Commute Honors”
- Peter Tillman from the Durham Veterans Affairs Medical Center – “Employee Transportation Coordinator Honors”
- The East Coast Greenway Alliance – “Community Impact Honors”

Commissioner Reckhow stated how pleased she was to meet the individuals who monitored good behavior. She also mentioned how Durham County showed real leadership nearly 15 years ago a Commute Trip Reduction Program was adopted.

Commissioner Jacobs recognized Ms. Jones for commuting two (2) hours each way to and from work. She also commended her and her personal commitment to help others.

**15-784 Resolution Recognizing the Exceptional Leadership of the North Carolina Department of Transportation- Public Transportation Division**

Chairman Page read the following resolution:

**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION – PUBLIC TRANSPORTATION DIVISION**

**WHEREAS**, the North Carolina Department of Transportation – Public Transportation Division was created in 1974 by the North Carolina General Assembly to foster the development of intercity, urban and rural/community public transportation in North Carolina and continues to champion the cause of the mobility needs of rural communities; and

**WHEREAS**, the NCDOT-PTD partners with Durham County to fund and support Demand Response Service and Administrative and Capital programs, administering more than \$732,000 thousand in state and federal grant funds from FY2014-FY2016; and

**WHEREAS**, the NCDOT-PTD takes a proactive approach in delivering valuable training, technical assistance programs and compliance policies and procedures to ensure that transit systems are competitive not only meeting the standards but achieving the highest levels of results; and

**WHEREAS**, the NCDOT awarded the First performance in Excellence Award to Durham County ACCESS on October 15, 2015 for achieving high measures of success in operating costs, average number of riders and average cost for riders; and

**WHEREAS**, Durham County ACCESS has benefitted from the winning attitude, expertise, leadership, vision of the NCDOT staff under the direction and leadership of Director Debbie Collins; and

**WHEREAS**, Durham County ACCESS appreciates the breadth of knowledge, teamwork, extraordinary expertise, exceptional leadership and commitment to public transportation that NCDOT has demonstrated over the years.

**NOW, THEREFORE BE IT RESOLVED** that we, the members of the Durham Board of County Commissioners, the Durham County Transportation Advisory Board, and the Durham County Cooperative Extension join Durham County ACCESS in recognizing NCDOT-PTD as the first recipient of the

**Durham County ACCESS “Champion in Transportation” Award**

This the 14<sup>th</sup> day of December 2015.

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Michael D. Page, Chairman	Brenda A. Howerton, Vice-Chairman
_____	_____
Fred Foster, Jr.	Wendy Jacobs
_____	
Ellen W. Reckhow	

**15-785 Resolution - Rougemont Ruritans for Exceptional Leadership, Support and Partnership with Durham County ACCESS- Demand Response Service Transportation**

Chairman Page read the following resolution:

**ROUGEMONT RURITANS**

**WHEREAS**, the Rougemont Ruritan Club is a National Civic Club organization with a purpose to create a better community through Fellowship, Goodwill, and Community Service; and

**WHEREAS**, the Rougemont Ruritans embraced a partnership with Durham County ACCESS to promote public transportation options throughout the Rougemont Community; and

**WHEREAS**, the Rougemont Ruritans saw a problem in their community and decided to take action by working with Durham County ACCESS to provide a transportation solution to access healthy foods, fresh fruits, vegetables and produce that were not readily accessible in their community; and

**WHEREAS**, the Rougemont Ruritans in May 2015, partnered with Durham County ACCESS to launch the second Farmers’ Market initiative: “To Market...To Market” resulting in ten (10) passengers—20 round trips; and

**WHEREAS**, Durham County ACCESS commends the Rougemont Ruritans vision, spirit and leadership for taking the lead to enhance transportation options in rural Durham County.

**NOW, THEREFORE BE IT RESOLVED** that we, the members of the Durham Board of Commissioners, the Durham County Transportation Advisory Board, and the Durham County Cooperative Extension join Durham County ACCESS in announcing the Rougemont Ruritans as a recipient of the

**Durham County ACCESS “Champion in Transportation” Award**

This the 14<sup>th</sup> day of December 2015

_____	_____
Michael D. Page, Chairman	Brenda A. Howerton, Vice-Chairman
_____	_____
Fred Foster, Jr.	Wendy Jacobs
_____	
Ellen W. Reckhow	

Linda Thomas-Wallace introduced members of the Rougemont Ruritans Club and stated Cooperative Extension looked forward to the continued partnership with the Club.

John Mininger, Vice President of the Rougemont Ruritan Club, accepted the resolution and thanked the Board for the reward. He mentioned that he enjoyed the relationship with Durham County Access and the Club looked forward to the future. Mr. Mininger also thanked the Board and Drew Cummings, Interim Deputy Manager, for the water system that was being installed.

Commissioner Jacobs mentioned the power of partnerships and commended the Ruritan Club on celebrating their 65<sup>th</sup> anniversary.

Commissioner Reckhow thanked the Club for their involvement. She mentioned the expansion of service of the rural areas had occurred from the extra money received from the sales tax. Commissioner Reckhow discussed the park and ride service that was being planned and stated that this was a great partnership for the County and its citizens.

Vice Chair Howerton extended her thanks to the Rougemont Ruritan Club and mentioned the positive partnership that they have formed with the County.

**15-796 Resolution Durham County ACCESS Champion in Transportation - Passenger of the Year**

Chairman Page read the following resolution:

**JOSHUA CATLIN**

**WHEREAS**, Durham County ACCESS serves the mobility needs of the most important people – our passengers; and

**WHEREAS**, Durham County ACCESS is a vital link to mobility and enhances the independence and quality of life for Durham County residents; and

**WHEREAS**, Durham County ACCESS has created an annual award to recognize one of the many exceptional passengers “Champions” that illustrate the true purpose and spirit of the ACCESS program; and

**WHEREAS**, Joshua Catlin, represents a true ACCESS success story, substantiating one of the primary purposes for which we serve...providing transportation to the workplace; and

**WHEREAS**, Joshua Catlin has been selected as the first recipient of the Champion in Transportation “Passenger of the Year Award” for his long term and faithful commitment to riding Durham ACCESS to his job at the Durham County Library daily and as an exemplary passenger and role model.

**NOW, THEREFORE BE IT RESOLVED** that we, the members of the Durham County Board of Commissioners, The Durham County Transportation Advisory Board and the Durham County Cooperative Extension extend our heartfelt appreciation and join Durham County ACCESS in awarding Joshua Catlin the

**CHAMPION IN TRANSPORTATION – PASSENGER OF THE YEAR AWARD**

This the 14<sup>th</sup> day of December 2015

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Michael D. Page, Chairman

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Brenda A. Howerton, Vice-Chairman

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Fred Foster, Jr.

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Wendy Jacobs

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Ellen W. Reckhow

Chairman Page congratulated Mr. Catlin for being a “Champion in Transportation” and thanked him for supporting Durham County Access.

Ms. Thomas-Wallace thanked the Board and leadership for the opportunity to recognize everyone at the meeting.

**Consent Agenda:**

Chairman Page asked the Commissioners if they desired to pull any items from the Consent Agenda.

Vice Chair Howerton requested to pull items #15-786 and #15-788.

Commissioner Reckhow requested to comment on item #15-777.

Commissioner Jacobs requested to pull items #15-782 and #15-771 and asked to comment on item #15-777 also.

Commissioner Reckhow moved, seconded by Commissioner Jacobs, to approve the following items on the Consent Agenda.

15-749 Award of Sodium Aluminate Purchase Contract for the Triangle Wastewater Treatment Plant, IFB 16-007

15-757 Write off of EMS Accounts Receivable Prior to November 1, 2005 in the amount of \$3,193,322.07

\*15-758 Budget Ordinance Amendment No. 16BCC000024 to Appropriate 170,000 of Committed Fund Balance for Public Health for Continuation of the Durham Diabetes Coalition Project

15-778 Standard Non-Reimbursable Utility Contract for the Extension of the County Sanitary Sewer System

\*15-779 Budget Ordinance Amendment-BCC16000025 Appropriating Reserved General Fund Fund Balance of \$129,774 from the Register of Deeds Automation Account to Support Automation of Real Estate Records from 1861 to 1962 and Authorization to Enter Into a Contract with Manatron for the Project

\*15-789 Budget Ordinance Amendment No. 16BCC000026 - Appropriate \$1,000,000 (County Portion) of \$7 Vehicle Registration Tax Revenue and Distribute to GoTriangle as Reimbursements are Requested by Go Triangle

15-792 Refund of Overpayment of Tax/Revenues Stamps pursuant to N.C. General Statute 105-228.37

15-793 Lease for Emergency Medical Services Fleet Maintenance at 122 Stone Park Court

15-803 Delta Airlines Potential Loss Revenue Guarantee Agreement

The motion carried unanimously.

Consent Agenda Item #15-758

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2015-2016 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	\$27,808,364	\$170,000	\$27,978,364

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$90,800,368	\$170,000	\$90,970,368

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

This the 23<sup>rd</sup> day of November, 2015.

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Consent Agenda Item #15-779

**Durham County, North Carolina  
2015-2016 Budget Ordinance  
Amendment Number 16BCC000025**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2015-2016 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	\$27,978,364	\$129,774	\$28,108,138

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
General Government	\$103,073,918	\$129,774	\$103,208,692

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

This the 14<sup>th</sup> day of December, 2015.

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Consent Agenda Item #15-789

**Durham County, North Carolina  
2015-2016 Budget Ordinance  
Amendment Number 16BCC000026**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2015-2016 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>
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GENERAL FUND

Taxes	\$299,621,383	\$1,000,000	\$300,621,383
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Expenditures:

Function

GENERAL FUND

Transportation	\$12,500	\$1,000,000	\$1,012,500
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 14<sup>th</sup> day of December, 2015.

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**Public Hearings:**

**15-799 Public Hearing to Consider Allocating Economic Development Investment Funds to Premier Research International**

Marqueta Welton, Deputy County Manager introduced the item stating the Board was requested to hold a public hearing to consider allocating \$26,000.00 in economic development investment funds to Premier Research International. She added the investment plan involved a capital investment of \$4.1 million dollars and the creation of 260 new full-time jobs that would include project managers, clinical monitors and data management specialist. Ms. Welton continued that the Public Hearing was advertised on December 4, 2015 as required by law and that the project was in line with Goal One: Community and Family Prosperity and Enrichment.

Commissioner Jacobs asked Ms. Welton to elaborate on the job funds and job types. Ms. Welton described the different types of jobs and Peter Wooldridge, Vice President for Corporate and Continuing Education at Durham Technical Community College (DTCC), stated there was a customized training proposal that was approved to offer training. Ms. Welton added that the training funds were up to \$400,000.00 for DTCC.

Chairman Page opened the public hearing.

Ted Conner, Senior Vice President for the Durham Chamber of Commerce mentioned there were a lot of jobs that benefited from the economic growth in Durham County. He recapped all the companies that brought jobs into the County and stated with the approval, Premier Research International would bring over 200 jobs to the area. Mr. Conner thanked the Board for their great support during 2015.

Chairman Page closed the public hearing and asked the pleasure of the Board.

Commissioner Reckhow moved, seconded by Vice Chair Howerton, to approve the agreement for the investment funds for Premier Research International in considering the allocation of \$26,000.00 for the project.

The motion carried unanimously.

**Other Business:**

**15-800 FY2015 Comprehensive Financial Annual Report**

George Quick, Chief Finance Officer, introduced Scott Duda, Partner at Cherry Bekaert, LLC, to begin

the presentation of the FY 2015 Comprehensive Financial Annual Report.

Mr. Duda highlighted the following information:

- Role of the External Auditor
- Key Highlights
  - Results Financial Statements
  - Internal Controls and Compliance – Single Audit
  - Results OMB A-133 Audit
  - Results State Single Audit
  - Significant Audit Areas
- Summary
- Findings and Adjustment Details

Commissioner Reckhow thanked Mr. Duda for the overview and questioned the entry issues found from the Register of Deeds. She asked why audits conducted the past two years did not find those errors. Mr. Duda stated everything was cost benefit and during testing they calculated the levels of materiality; during testing, small errors occurred during internal or external controls that were not always caught. Commissioner Reckhow mentioned that a number of deficiencies were noted and inquired about Mr. Duda having concerns about the issue. Mr. Duda stated any finding was reported and the findings were higher than normal this year due to turnover in the compliance position. He continued to say that Finance had a plan to address the issue which was taken care of.

Chairman Page thanked Mr. Duda and the Finance staff for the report.

#### **Items Pulled From Consent Agenda:**

##### **15-786 Budget Ordinance No. 16BCC000028 to Recognize \$1,000 from the Local Government Federal Credit Union to the Criminal Justice Resource Center's Misdemeanor Diversion Program for the Excellence in Innovation Award**

Vice Chair Howerton asked Gudrun Parmer, Director of the Criminal Justice Resource Center, to speak on the program. Ms. Parmer stated the Center for Partnership with other departments operated a Diversion Program for first time offenders who could be charged with a misdemeanor. She added it was up to the arresting officer to get the offender in the program or charge them as an adult. Ms. Parmer continued to say that the program prevented over 100 teens aged 16 and 17 years old from being jailed.

Commissioner Jacobs inquired about the Board getting data regarding the program. She requested data on the number of kids being referred, how many continued to get citations, etc. Ms. Parmer stated she would be happy to provide the Board with the data requested.

Wendell Davis, County Manager discussed the reporting cycle mentioned at the latest retreat and stated the report from Ms. Parmer would be provided at that time.

##### **15-788 Budget Ordinance No. 16BCC000027 to Recognize Funds from the NC Governor's Crime Commission and the Religious Coalition for a Non Violent Durham to the Criminal Justice Resource Center for the Reentry Partnership Project**

Vice Chair Howerton asked Gudrun Parmer, Director of the Criminal Justice Resource Center, to speak about the reentry partnership. Ms. Parmer stated it was an innovative approach to work with incarcerated individuals who come out of the system. She stated the County had worked with the Coalition to mentor those individuals in faith teams and other congregations. Ms. Parmer continued to

say the grant would allow the Religious Coalition to work on a broader scale.

Commissioner Jacobs asked what the funding provided to the faith team was used for. Ms. Parmer responded the grant was received by Durham County and the County would enter into a contract with the Coalition to train, recruit and work with the faith teams. She added some funds would be used for vocational training and treatment services.

#### **15-777 Award Contract for MWBE Consultant Services**

Commissioner Reckhow stated that she supported the item but questioned the specifics of the contract. She mentioned the quarterly report to the division but was also requesting an annual report to the Board. George Quick, Chief Finance Officer stated once the program was up and running, a report would be provided.

Farad Ali, Institute of the Minority Economic Development stated the focus of the contract was between 12, 24, or 36 months so that the goals could be reached. Commissioner Reckhow suggested on the annual reports that refined contracts be provided with target information for the upcoming year.

Commissioner Foster asked if the contract was only from January – June for the amount of \$100,000.00 or was the contract for 12 months. Mr. Quick responded the contract was for \$60,000.00 but was based on \$100,000.00 for a full year. He added the remaining \$40,000.00 would be in the upcoming budget.

Commissioner Jacobs questioned measure number two (2), asking if the values for the minorities were already available. Wendell Davis, County Manager responded the starting measurement point would be the base budget and then it would move forward.

#### **15-782 Approval of Durham County ACCESS Title VI Program Resolution**

Commissioner Jacobs asked for an explanation of this item.

Linda Thomas-Wallace stated there were requirements that needed to be met in order to meet eligibility for federal financial assistance. She mentioned the areas of deficiencies and the timeframe to make the changes to meet the new standards.

Commissioner Jacobs asked if the items printed were also in Spanish. Ms. Thomas Wallace confirmed they were. Commissioner Jacobs emphasized outreach and ensuring the community knew about the services offered. She also questioned the capacity of the department to inform the community about the services. Ms. Thomas-Wallace informed her that staff attended festivals while also looking for ways to exchange information in non-traditional methods.

#### **15-771 Renewal of the Interlocal Agreement between Durham County and the City of Durham to Continue the Sustainability Office**

Commissioner Jacobs was interested in seeing how the County was doing on the greenhouse plan. Tobin Freid, Sustainability Manager stated the plan was to present to the Board at the February 1, 2016 Worksession. Commissioner Jacobs asked if information about the buildings were in the plans. Ms. Freid responded they could provide energy information on the buildings and compare the data; however, some buildings would be difficult to compare.

Vice Chair Howerton moved, seconded by Commissioner Reckhow, to approve Items 15-786, 15-788, 15-777, 15-782 and 15-771.

The motion carried unanimously.

**Closed Session:**

Chairman Page stated the Board was requested to adjourn to Closed Session for the following:

- To consult with an attorney in order to preserve the attorney-client privilege, regarding County of Durham v. NC Department of Environment and Natural Resources, Division of Water Quality; OAH Case No. 15EHR02300/15EHR01287, pursuant to G.S. 143.318.11 (a)(3)
- To discuss matters relating to the location or expansion of a business or industry, pursuant to G.S. 143.318.11 (a)(4)

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

The motion carried unanimously.

**Reconvene to Open Session:**

Chairman Page announced that the Board met in Closed Session and provided direction to staff. He also asked for a motion to authorize staff to amend the contract with Poyner & Spruill, LLC to an amount not to exceed \$75,000.00.

Commissioner Reckhow moved, seconded by Commissioner Jacobs, to move forward with the amended contract with Poyner & Spruill, LLC in an amount not to exceed \$75,000.00

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,



Monica W. Toomer  
Deputy Clerk to the Board